



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1795 OF 2021

1. Vishal Sinh s/o Ajit Sinh Thakur,
age 34 yrs, Occ. Private job,
R/o Building No.14, Plot no.306,
Phase 3, Mohan Palms, Shirgaon,
Badlapur (East), Badlapur,
Tq. Kalyan, Dist. Thane.

2. Rupa w/o Ajit Sinh Thakur,
age 56 yrs, Occ. Household,
R/o as above.

Applicants.
(orig accused 1 and 2)

Versus

1. The State of Maharashtra,
through police station officer,
City Police Station, Nandurbar.

2. Neelam w/o Vishal Sinh Thakur,
age 32 yrs, Occ. Private Service,
R/o Mohan Palsar Wing B,
Room No.306, Badlapur (East),
Tq. Kalyan, Dist Thane, at present,
R/o 121, Rajeev Gandhinagar,
Dhule Road, Nandurbar,
Tq. & Dist. Nandurbar.

Respondents.
(resp no.2 orig complainant)

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Advocate for Applicant: Mr.PB. Waghmare & R.U Khandare
APP for Respondents: Mr. V K Kotecha
Advocate for Respondent no.2 : Mr. A J Patil

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CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.

Dated : September 03, 2024.

ORDER :- (Per S.G. Chapalgaonkar, J.)

1. The applicants seek to quash and set aside the FIR in crime no.418 of 2021, dated 10.5.2021, registered with City Police Station, Nandurbar, so also charge-sheet no.490 of 2021 in RCC No.213 of 2021 pending before the J.M.F.C. at Nandurbar for the offences punishable under sections 498-A, 313, 494, 495, 406, 34 of the IPC.

2. Mr. B.V. Waghmare a/w Mr. R.U. Khandare, learned advocate appearing for the applicants submits that marriage of respondent no.2 and applicant no.1 took place as per Hindu Rights and Customs on 7.12.2012. However, after co-habitation of only four months, respondent no.2 left matrimonial home and went to reside with the parents. She terminated her pregnancy without consent of applicant no.1 and now filed a false complaint against the applicants. He would therefore urge that impugned FIR and consequential proceeding be quashed and set aside.

3. Mr. V. K. Kotecha, learned APP and Mr. A.J. Patil, learned advocate appearing for respondent no.2 vehemently opposed prayers in the application contending that contents of the FIR and consequential investigation is sufficient to make out charged offences against the applicants and this is a fit case for trial.

4. We have considered the submissions advanced by learned advocates appearing for the respective parties. We

have minutely scrutinized contents of the FIR and material in the charge-sheet. Apparently, on the basis of information dated 10.5.2021 crime no.418 of 2021 has been registered against applicants for the offences punishable under section 498-A, 313, 494, 406, r/w 34 of the IPC. Respondent no.2 has specifically averred that she has been married with applicant no.1 on 7.5.2021. She was treated well hardly for a period of four months. Her husband had extra marital affairs and he used to ill-treat her. Finally, driven out of the home while she was pregnant. She was administered with pills of abortion. Her pregnancy had been unwillingly terminated. It is further averred that after termination of pregnancy, she was not taken back to matrimonial home by the applicants. It is alleged that applicant no.1 has performed two marriages during subsistence of marriage with respondent no.2. He performed second marriage with one Shradha Ghare in the month of September 2013 and thereafter performed third marriage on 22.4.2021 by suppressing marriage with the applicant no.1.

5. The charge-sheet contains statement of witnesses to support that applicant no.1 has performed two marriages after marriage with respondent no.2. Contents of the charge-sheet shows that out of second marriage, applicant no.1 has two children namely Trisha and Tanmay. Statement of one Akshata Avegaonkar shows that applicant no.1 has married with Shradha in September, 2013 during subsistence of marriage with respondent no.2 and from said matrimonial relationship children namely Trisha and Tanmay are begotten.

Similarly statement of one Rutuja Ghare reiterated the similar version.

6. We are of the considered view that there is sufficient material in the charge-sheet that requires trial. Consequently, we are not inclined to entertain present application in exercise of our extra ordinary jurisdiction under section 482 of the Criminal Procedure Code. Hence, the application stands **rejected**.

(S. G. CHAPALGAONKAR)
Judge

(SMT. VIBHA KANKANWADI)
Judge

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