



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.3296 OF 2024**

- 1) Ravina Dilip Nagare,  
Age-25 years, Occu:Doctor,  
R/o-Plot No.50, Mayur Niwas,  
Behind Shirke Medical, Renuka Nagar,  
Kedgaon Devi, Ahmednagar,
- 2) Dilip Dattatray Nagare,  
Age-53 years, Occu:Jewellery Shop,  
R/o-Plot No.50, Mayur Niwas,  
Behind Shirke Medical, Renuka Nagar,  
Kedgaon Devi, Ahmednagar,
- 3) Jayashri Dilip Nagare,  
Age-49 years, Occu:Housewife,  
R/o-Plot No.50, Mayur Niwas,  
Behind Shirke Medical, Renuka Nagar,  
Kedgaon Devi, Ahmednagar,
- 4) Mayur Dilip Nagare,  
Age-26 years, Occu:Doctor,  
R/o-Plot No.50, Mayur Niwas,  
Behind Shirke Medical, Renuka Nagar,  
Kedgaon Devi, Ahmednagar

**VERSUS**

**...APPLICANTS**

- 1) The State of Maharashtra,
- 2) Abhishek Rahul Takalkar,  
Age-25 years, Occu:Business,  
R/o-5003, Sherkar Galli,  
Baratoti Karanja, Maliwada,  
Taluka-Nagar, District-Ahmednagar,  
Mobile No.8767725740

**...RESPONDENTS**

...  
Ms. Monica R. Dahat Advocate for Applicants.  
Ms. R.P. Gour, A.P.P. for Respondent No.1.  
...

**CORAM: SMT. VIBHA KANKANWADI AND  
S.G. CHAPALGAONKAR, JJ.**

**DATE : 13<sup>th</sup> SEPTEMBER, 2024**

**ORDER :**

1. Present Application has been filed invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing the First Information Report (for short "the FIR") vide Crime No. 816 of 2024 registered with Kotwali Police Station, Ahmednagar for the offence punishable under Section 406, 420 of the Indian Penal Code.

2. Heard learned Advocate Ms. Dahat for the applicants and learned APP Ms. Gour for respondent No.1. There is no necessity to issue notice to respondent No.2.

3. It has been vehemently submitted on behalf of the applicants that applicant No.1 has lodged FIR against respondent No.2 and as a counter blast to the same, the present FIR has been lodged. In fact applicant No.1 has been cheated by respondent No.2. There was marriage between applicant No.1

and respondent No.2 on 21<sup>st</sup> December 2023. Prior to that respondent No.2 had seen applicant No.1 in a function on 22<sup>nd</sup> April 2023. Thereafter applicant No.1 had taken initiative to get acquaintance with respondent No.2 and after the approval from both the families, the engagement ceremony was performed on 22<sup>nd</sup> August 2023. Applicant No.1 is a medical professional and then she came to know about the disease with which respondent No.2 is suffering. He is suffering from incurable disease and after getting examined at Jahangir Hospital, Pune, it was opined by the doctor that respondent No.2 is suffering from symptomatic action tremor anxiety disorder. Applicant No.1 has filed petition before the Family Court at Ahmednagar for annulment of marriage. The FIR on its face value does not disclose ingredients of any of the offence. There is an inordinate and unexplained delay of seven months in lodging the FIR. If applicant No.1 had left her matrimonial home in December 2023 along with jewellery and cheated respondent No.2 and his family, then he would not have kept quiet for seven months. There is evidence with the applicants to show that respondent No.2 is suffering from tremors and he now wants to conceal the defect. When applicant No.1 demanded divorce, family of respondent No.2 did not agree, on the contrary they started demanding amount of Rs.5,00,000/- from the applicants. They have given threats that

they will make the chats and text messages of applicant No.1 to respondent No.2, viral and destroy her life. It would be unjust to ask the applicants to face the trial under such circumstance.

4. The first and foremost fact to be noted is that the investigation appears to be at very initial stage. No doubt it appears that on 1<sup>st</sup> March 2024 applicant No.1 has lodged the FIR vide Crime No.265 of 2024 against respondent No.2 and his family as well as mediator, for the offence punishable under Sections 498-A, 420, 418, 504, 506 read with Section 34 of the Indian Penal Code with Kotwali Police Station, Ahmednagar and in fact even the charge-sheet is filed in that matter before the concerned Court i.e. R.C.C. No.785 of 2024. But that cannot be the only ground on which the present FIR can be quashed and set aside. We will have to consider the contents of the present FIR.

5. It is to be noted that in the FIR it is stated by respondent No.2 that immediately after the marriage when applicant No.1 had gone to her parents house on 24<sup>th</sup> December 2023, applicant No.2 had came to the house of respondent No.2 and it is stated that he told that they have been cheated and therefore, they will not send applicant No.1 for cohabitation. When respondent No.2

had tried to contact applicant No.1, she did not respond. Thereafter she gave notice after about two months, making allegations, demanding money and divorce. The said notice has been replied by respondent No.2. In the FIR, respondent No.2 has stated that though offence has been registered against him, but his complaint is in respect of the jewellery that was given to applicant No.1 worth Rs.29,00,000/-, which has been taken away and he has been cheated.

6. The documents in respect of medical certificates have been produced by the applicants, which are stated to be in respect of respondent No.2. However, those documents cannot be considered at this stage. Let the investigation be carried out in the matter. Since the application appears to be filed at the premature stage, we find that this is not a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure to quash the FIR.

7. The Application stands rejected.

**[S.G. CHAPALGAONKAR]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**