



Judgment

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [APL] No. 1664/2023.

Saurabh s/o Ramkisan Dhangar,
Aged 21 years, Occupation – Student,
resident of Falegaon [Kandi], Tahsil Wahim.
District Washim [Brother in law of
Respondent No.2]

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APPLICANT.

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Washim, District Washim.

2.Sau.Rekha Sachin Dhangar,
resident of Khadki [Ijara], Post
Pandhari [Navghare], Tahsil Malegaon,
District Washim.

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NON-APPLICANTS.

Mr. S.S. Deshpande, Advocate for the Applicant.
Mr. A. Badar, A.P.P. for Non-applicant No.1-State.
Mr. S. Singha, Advocate [Appointed] for Non-applicant No.2.

CORAM : VINAY JOSHI AND
ABHAY J. MANTRI, JJ.

DATE : OCTOBER 21, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Admit.

By consent of the learned Counsel appearing for the parties, the matter is taken up for final disposal.

2. By this application, applicant is seeking to quash the criminal prosecution bearing R.C.C.No.42/2023 pending on the file of the Chief Judicial Magistrate, Washim arising out of first information report bearing Crime No.776/2022 registered with Washim Police Station, for the offence punishable under Sections 498-A, 494, 504, 506 read with Section 34 of the Indian Penal Code.

3. The applicant is brother-in-law of the informant – lady. It is informant's case that she got acquainted with applicant's brother namely Sachin, through social media. Both of them got married in

Mumbai on 21.02.2022. After 15 days of the marriage, the informant learn that within two days of the marriage, brother of applicant has performed second marriage with another lady namely Rani [accused no.2], at his native place. The informant has conveyed the things to her parents-in-law, as well as present applicant, but, they neglected and abused her, therefore, the report.

4. At the inception, we may note that this application is restricted to the role of the applicant, who is brother-in-law of the informant. The entire allegation of fraudulently performing second marriage by concealing first marriage are against her husband, who is brother of the applicant and is not before us. We have gone through the written report, as well as statements recorded by the police. In her statement, the informant has stated about the act of her husband of performing remarriage with another lady by deceitful means. The entire report nowhere suggests any active role of the applicant. There is no statement to convey that the applicant was aware that his brother has entered into first marriage on 21.02.2022. There are no allegations that the applicant was present at the time of first marriage

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of the informant and her husband. At the end of the statement, vague allegation has been made that the applicant has harassed her. However, there is no material to substantiate said contention.

5. Taking the prosecution as it stand, it does not disclose essential ingredients to constitute a cognizable offence. The present case falls in category Nos. 1 and 3 as spelt out by the judgment of Supreme Court in case of **State of Haryana .vrs. Ch. Bhajanlal and others – AIR 1992 SC 604**. In view of above, we find that continuation of criminal prosecution would be an abuse of the process of Court. In view of that we are inclined to exercise our inherent powers and pass the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The Criminal prosecution bearing R.C.C.No.42/2023 pending on the file of the Chief Judicial Magistrate, Washim arising out of first information report bearing Crime No.776/2022 registered with Washim Police

Station, for the offence punishable under Sections 498-A, 494, 504, 506 read with Section 34 of the Indian Penal Code is hereby quashed and set aside, so far as the applicant -Saurabh Ramkisan Dhangar is concerned.

- (iii) Fees of the appointed Counsel for non-applicant no.2 be determined as per Rules.

JUDGE

JUDGE