



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CRIMINAL APPLICATION NO.2717 OF 2025

Pravin Vishwambhar Devde,
Age 33 yrs., Occ. Service in Armed Forces,
R/o Shambhu Tej Residency, Latur Fata,
Nanded, Tq. & Dist. Nanded.

... Applicant

... **Versus** ...

- 1 The State of Maharashtra
Through Office In-charge,
Police Station, Nanded (Rural),
Tq. & Dist. Nanded.
- 2 X.Y.Z.

... Respondents

...

Mr. N.P. Bangar, Advocate for applicant
Mrs. Priya R. Bharaswadkar, APP for respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 28th JULY, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed for quashing of First

Information Report vide Crime No.505/2025 dated 27.05.2025 registered with Police Station, Nanded (Rural), Tq. & Dist. Nanded, for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023.

2 Heard learned Advocate Mr. N.P. Bangar for applicant and learned APP Mrs. Priya R. Bharaswadkar for respondent No.1.

3 Learned Advocate appearing for applicant has taken us through First Information Report and submits that respondent No.2 had the knowledge that applicant was married earlier and his divorce proceedings was pending. Then it is stated that an incident had taken place on 03.02.2025 in the house of applicant and it is stated that he made advances of sexual intercourse, but she told that it would be after their marriage. Though she has given the colour that she had refused and then applicant had forcibly intercourse; yet, the fact remains is that there was no deceitful soliciting of the sexual intercourse by the applicant. The essential ingredients of Section 69 of the Bharatiya Nyaya Sanhita are not getting attracted. Further, she has stated about another incident dated 06.05.2025, wherein it is stated that applicant had received phone call of a girl and then she objected. At that time, applicant had refused to perform the marriage. The applicant is actually employed in Military and on 06.05.2025 he was on duty. His leave was sanctioned from 13.05.2025 till 14.06.2025. Under such

circumstance, First Information Report is nothing but the outcome of wreaking vengeance by informant and, therefore, the applicant should not be allowed to face the further investigation and then trial, if any. The applicant has also learnt that the informant was married earlier and it appears that she has suppressed her earlier marriage.

4 Learned APP submits that investigation is at a preliminary stage and let the investigation go on. Here, it is to be noted that as per First Information Report the informant says that she had registered herself to an online match making application and in January, 2025 she had updated her profile. She could then see the profile of present applicant and as she thought that she should go ahead with applicant for settlement of marriage and, therefore, she sent request to applicant, which the applicant had accepted. Thereafter, they had shared their number and calling each other. The applicant then disclosed to her that he had married about 10 years ago and now he is separately residing from his wife and petition for divorce is pending. The informant states that since the applicant had prepared to give divorce to first wife, she showed her readiness to marry the applicant. Thus, it can be seen that whatever was disclosed to her has not been suppressed by her. Now, applicant says that informant had not disclosed that she was married earlier. Now, if there is any kind of cheating to him, he would be at

liberty, but that cannot be the point for quashment of First Information Report, since it would be part of his defence which cannot be considered under Section 482 of the Code of Criminal Procedure.

5 The informant has then stated that the sexual intercourse took place on 03.02.2025 when she had gone to meet applicant in his house. At this stage we will go by the contents of First Information Report, wherein she has stated that she had not given consent for the sexual intercourse, but the applicant had forced her. She has also stated that she could see in the mobile of applicant some obscene videos and photos and when she asked about the same, he deleted those photos and videos and assured her that he will not indulge in any such activity in future. Then on 06.05.2025 when according to her, in her presence the applicant had received a phone call of a girl, which she objected and at that time the applicant had refused to perform marriage. Now, it is stated that the leave was not sanctioned to applicant and, therefore, there is a evidence to show that on 06.05.2025 the applicant was on duty and he could not have met the informant. According to us, this is also a part of defence and since the investigation is at a very preliminary stage and First Information Report is not an encyclopedia, there can be an explanation by informant in respect of the same. Therefore, no case is made out at this stage to exercise our powers under Section 528 of the Bharatiya

Nagarik Suraksha Sanhita and, therefore, the application stands rejected at the threshold.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

agd