



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CRIMINAL APPLICATION NO.4683 OF 2024

DINESH MAROTI KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Mr. A. A. Phad, Advocate for Applicant.
Mr. A. M. Phule, APP for Respondent No.1/State.
Mr. P. B. Jadhav h/f Mr. Kuldeep S. Patil, Advocate for Respondent No.2.
...

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

DATE : 05 MARCH 2025

ORDER :

. Present application has been filed for quashing the proceedings in charge-sheet bearing No.220 of 2024 arising out of FIR vide Crime No.408 of 2024 registered with Vivekanand Chowk Police Station, District Latur for the offences punishable under Sections 354,376(2)(n), 500, 504, 506 of Indian Penal Code and under Sections 66(c), 66(E) and 67 of the Information Technology Act.

2. Heard learned Advocate Mr. Avinash A. Phad for the applicant, learned APP Mr. A. M. Phule for respondent No.1/State and learned Advocate Mr. P. B. Jadhav holding for learned Advocate Mr. Kuldeep S. Patil for respondent No.2.

3. Learned Advocate for the applicant has taken us through the contents of the FIR and the charge-sheet. He submits that in fact, there was evidence to show that the applicant and respondent No.2 got married on 07.04.2024. The photographs in respect of the same have been collected. Now, there is compromise between the applicant and respondent No.2. Respondent No.2 is now accepting that there is marriage between herself and the applicant. In fact, the FIR came to be lodged as there was no acceptance for their relationship by the parents of the applicant so also the parents of respondent No.2 came to know about the marriage when respondent No.2 received the notice dated 19.06.2024, which was issued by the applicant through Advocate for resumption of cohabitation. Thereafter, the parents of respondent No.2 prevailed upon respondent No.2 to lodge the report. On merits though in the FIR it is contended by respondent No.2 that the said marriage was against her wish, yet now she accepts that it was due to the pressure from her parents. Now, respondent No.2 and the applicant are residing together and they want to live peacefully. Learned Advocate for respondent No.2 has also made submissions on the same line.

4. It will not be out of place to mention here that when the matter was on board on 03.12.2024, respondent No.2 had appeared *suo moto* stating that there is a compromise and, therefore, the parties were directed to produce the terms of settlement and get it verified through learned Registrar (Judicial). The terms of settlement were produced and got verified. The report by learned Registrar (Judicial) dated 13.12.2024 is on record. In the said settlement, it is stated that the applicant and respondent No.2 are husband and wife, but the dispute arose due to the non acceptance of relationship of applicant and respondent No.2 by the parents of respondent No.2. The FIR has been lodged due to misunderstanding and misconception. The dispute has been resolved and, therefore, they wish to live with peace and dilute the bitterness. It is stated that the contentions made in the criminal application about the solemnization of marriage between the applicant and respondent No.2 are true and correct.

5. Here, we are surprised in respect of the attitude and the level of allegations those have been made by respondent No.2, if it is accepted that there was really the marriage between herself and the applicant. Perusal of the FIR would show that she had every objection about the act done by the applicant. She states

that she was forced to sit in the auto-rickshaw, outraged her modesty and threat to assault her brother and father was given. Then he unnecessarily insisting that he loves her and was also insisting for marriage. She states that the applicant had taken her to a place and taken her photographs and then established sexual relationship without her consent and then threat was given that unless she marry, she will not be let and she would be defamed by circulating those photographs. Now, she gives the date as 01.01.2024 wherein she was taken to Ganesh Mandir and there was exchange of garland and thereby the applicant says that there is marriage between them. In specific words, she has stated that there was no marriage between herself and the applicant with her consent/voluntarily, rather she states that her parents had settled her marriage with another boy. Even after taking bond on 24.06.2024, yet the applicant had given their photographs i.e. his as well as respondent No.2 to the would be bridegroom, because of which the said bridegroom had called off that marriage and she states that she has been defamed. If these kinds of allegations have been made by a lady of a 23 years, she cannot now say that it was due to the pressure from her parents.

6. Lodging of a false complaint in respect of offence under Sections 354, 376(2)(n) of Indian Penal Code would certainly defame the accused. Here, in this case, the accused was almost in jail for one and half months. Then the question arises why this has been done by respondent No.2. Lodging a false report is also an offence and if the trial Court comes to that conclusion, then definitely action for forgery can be taken against respondent No.2.

7. The FIR is absolutely silent on the point which now the applicant wants to say that the marriage between him and respondent No.2 had taken place on 07.04.2024 and a receipt of payment of rent has been produced. In the FIR, at two places, she states that she was taken to Ganesh Mandir on 01.01.2024 and there was exchange of garland depicting that they have married. So these two dates do not match.

8. Subsequent marriage, because at this stage we are not accepting the date of marriage because of the difference, will not absolve the applicant from the criminal liability, if at all it is there and, therefore, such compromise cannot be accepted at all. Taking into consideration the contents of the FIR and the charge-

sheet, no case is made out for quashment of the FIR as well as the proceedings. Hence, the application is rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm