



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

CRIMINAL WRIT PETITION NO.214 OF 2025

PETITIONER : **Shri Vipin S/o Babanrao Kamble,**
Aged about 34 years, Occu. – Nil R/o 133,
Vaibhav Nagar, Dighori, Narsala Road,
Dighori, Nagpur.

..VERSUS..

RESPONDENTS : 1 **Payal W/o Vipin Kamble,**
Age about 29 years, Occu – Service
2 **Dnyaneshwar S/o Wamanrao Tale,**
Age about 56 years, Occu – Service
3 **Mangala W/o Dnyaneshwar Tale,**
Age about 45 years, Occu – Housewife
(1 to 3) R/o. 87, Postal Colony, Sai Nagar,
Amravati.
4 **Himanshu S/o Sachin Girum,**
Age about 29 years, Occu - Service, R/o
Joshi Layout, Aakhada Ward,
Pandharkawda, Yavatmal.

Mr Vipin B. Kamble, in person.

CORAM : **M. W. CHANDWANI, J.**

DATED : **2nd APRIL, 2025.**

ORAL JUDGMENT

1. Heard.

2. By this petition, the petitioner challenges the order dated
06.02.2025 passed below Exhibit-1 by the learned Judicial
Magistrate First Class, Nagpur in Summary Criminal Case

No.17202 of 2022, thereby dismissing the complaint filed by the petitioner against his wife for the offence punishable under Section 500 of the Indian Penal Code, 1860.

3. The contention of the petitioner appearing in person is that he has mentioned in para 12 of his complaint, the existence of the accused in a pornographic video on a pornographic site. He claims to have asked the accused/respondent No.1 to file a complaint against the person who appeared with her in the video clip but she allegedly refused to accompany him to the police station. In spite of this specific averment, the learned Magistrate has not issued process against the accused for the offences punishable under Sections 66(A), 67(A and B) of the Information Technology Act, 2000. The further contention is that the application for adding these Sections in the complaint was also made before the learned Magistrate. The learned Magistrate without considering the said application dismissed the complaint holding that there is no defamation.

4. It is to be noted here that, initially the petitioner filed a complaint against his wife for the offence punishable under Section 500 of the IPC alleging some obscene words used by her against

him. The order of learned Magistrate shows that the complaint discloses that these words were spoken by the accused in the house and there is no whisper that somebody heard these words. Therefore, learned Magistrate opined that no offence of defamation as defined under Section 500 of the IPC has been committed. Therefore, the complaint came to be dismissed by the impugned order dated 06.02.2025. It also appears that pending the said complaint, the application for addition of Sections 66(A), 67(A and B) of the I.T. Act came to be filed by the petitioner which remained pending on the file of the learned Magistrate. Reliance is placed by the petitioner on paragraph 12 of the complaint, which is reproduced here.

“12. It is submitted that one unidentified person informed the complainant that on internet on porn site, the porn video of the accused have been viraled and accordingly, complainant seen that video on said site and noticed that both are identified. Hence, the complainant visited to the Hudkeshwar Police Station and requested to delete the said porn video from internet but the police state way refused for the best way known to them. It is submitted that the complainant several times requested to come at Nagpur and lodge the report against the person who was with the accused in video clip, but accused refused to come police station hence police has not taken any cognizance on the said video clip.”

5. On perusal of the complaint particularly paragraph 12, it is revealed that there is no whisper either in paragraph 12 of the complaint or in the statement of the complainant recorded by the

learned Magistrate to verify the complaint that it is the accused/respondent who circulated offensive messages or publishing content containing sexually explicit acts which are the offenses punishable under Sections 66(A), 67(A and B) of the I.T. Act. Hence, no interference is required in the order of the learned Magistrate dismissing the complaint. The petition is devoid of merits. Hence, it is **dismissed**.

(M. W. CHANDWANI, J.)

Tambe