



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

CRIMINAL APPLICATION (APL) NO. 433 OF 2024

1. Mukesh S/o. Sukhdeo Thakre,
Aged about 37 years, Occupation : Service
in Indo Tibetan Border Police Force.
2. Sukhdeo S/o. Laxman Thakre,
Aged 76 yrs., Occupation : Agriculturist
3. Satyabhama W/o. Sukhdeo Thakre,
Aged about 68 yrs., Occupation :
Agriculturist,
4. Omprakash S/o. Sukhdeo Thakre,
Aged about 42 yrs., Occupation :
Service,
5. Walmik S/o. Sukhdeo Thakre,
Aged about 33 yrs., Occupation :
Business,

All residents of Morwashi, Tahsil :
Gondia, district : Gondia Police
Station, Gondia Rural.

.... **APPLICANTS.**

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1. State of Maharashtra,
through Police Station Officer,
Police Station, Gondia (Rural)
District : Gondia.
2. Roshani w/o. Mukesh Thakre,
Aged about 25 years, Occupation :
Household, R/o. At Satwa (Dawwaa),
Post : Gondia, District : Gondia.

.... **RESPONDENTS.**

Shri S.G.Karmarkar, Advocate for Applicants.
Shri S.S.Doifode, A.P.P. for Respondent No.1/State.
Ms Ratna Singh, Advocate for Respondent No.2.

CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.

DATED : APRIL 02, 2025.

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Heard by consent of the learned counsel for the parties.

3. The applicants have approached this Court by way of present application under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report No.28 of 2024, registered with Police Station Gondia for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

4. The applicant No.1 is the husband, applicant No.2 is the father in law, applicant No.3 is the mother in law and applicant Nos. 4 and 5 are the brothers in law of the respondent No.2-informant.

5. The learned counsel for the applicants submits that the alleged complaint is made to falsely implicate the applicants. To substantiate this argument, he has pointed out the Minutes of Meeting held on 03/01/2024 at the house of the applicant No.1. In the said meeting Sarpanch, Up-Sarpanch, Police Patil, Former Sarpanch, some Social Workers etc. were present. It is pointed out that the informant left the meeting with her father and brother without giving any heed to the request of the respected persons present in the meeting. Further, he points out that after the said meeting, a complaint was made to Bharosa Cell on 11/01/2024 making vague allegations. Thereafter, on 28/01/2024 F.I.R. came to be registered against the applicants, wherein the allegations as regards demand of Rs.5,00,000/-, harassment and torture came to be made, which is nothing but improvisation.

6. On the other hand, the learned APP and the learned counsel for the respondent No.2 strongly opposed the application and submit that there are allegations which constitute offence against the applicants, as alleged. It is, therefore, prayed to dismiss the present application.

7. In light of rival submissions, we have perused the record and the FIR.

8. The minutes of meeting dated 03/01/2024 show that the meeting was attended by the applicants as well as respondent No.2-informant,

her father and brother. In the said meeting, some respected persons from the village were also present, including Sarpanch, Up-Sarpanch, Police Patil, Social Workers etc. From the minutes of meeting it is evident that these respected persons tried to resolve the dispute between the applicant No.1 and the respondent No.2.

9. It is pertinent to note that from the minutes of meeting it can be further seen that the issue discussed in the said meeting was related to registration of the marriage of the applicant and the respondent No.2. The respondent No.2's complaint was that despite the applicant No.1 was repeatedly asked to register the marriage, he did not take any steps for the same. The said allegation was denied by the applicant No.1 and he pointed out to the members present in the meeting that a Certificate was issued to him but on finding that it was not proper, he made another application for issuance of the certificate. Thereafter, it is recorded in the minutes of meeting that the respondent No.2 along with her father and brother left the meeting and while leaving the meeting they gave threats to the applicants of dire consequences.

10. Thereafter a complaint came to be made by the respondent No.2 with Bharosa Cell. On perusal of the complaint, it is evident that in the said complaint general and vague allegations have been made. It is significant to note that there was no such complaint made in the meeting dated 03/01/2024 by the respondent No.2.

11. Then, the FIR came to be lodged on 28/01/2024. The allegations made in the FIR are of general and vague nature, but, there is improvisation. Thus, it appears that at the first instance when the meeting was held the complaint was only about non-registration of marriage. Before the Bharosa Cell for the first time demand of money and ill-treatment was made but without giving any details of the same and then in the complaint made to the police the story was further improvised.

12. Thus, the chronology of events shows that the FIR is the outcome of the threats given by the respondent No.2, her father and brother in the meeting dated 03/01/2024. Furthermore, we have observed that in the said meeting the respondent No.2 did not make any complaint about demand of money or ill-treatment at the hands of the in-laws. Hence, we find substance in the submissions of the learned counsel for the applicants that the allegations made in the FIR are false and made with an ulterior motive to falsely implicate the applicants in the alleged offence.

13. In light of the above referred observations and considering the law laid down by the Hon'ble Supreme Court of India in the case of *State of Haryana Vs. Bhajan Lal*, reported in **1992 Supp(1) SCC 335**, we are of the considered view that this is a fit case for quashing of the FIR.

14. Having taken overall view of the facts and circumstances of the present case, we are satisfied that continuation of the criminal proceedings against the applicant would amount to abuse of process of the Court.

15. Accordingly, we pass the following order :

- i) The Criminal Application is allowed.
- ii) The First Information Report No.28/2024 dated 28/01/2024, registered with Police Station Gondia Rural for the offences punishable under Sections 498A read with Section 34 of the IPC is hereby quashed.

Rule is made absolute accordingly.

(PRAVIN S. PATIL, J)

(ANIL S. KILOR, J)

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