



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

CRIMINAL APPLICATION (APL) NO.655 OF 2024

Radheshyamji S/o Bisramji Kanole & Ors. .Vs. Nidhi W/o Rahul Kanoje

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.A. Biranwar, Advocate for applicants.

Ms P.N. Lakhani, Advocate for non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 10/03/2025

1. The present application filed under Section 482 of the Code of Criminal Procedure for quashing of Regular Criminal Complaint No.812 of 2020, pending on the file of 14th Jt. Civil Judge Junior Division and Judicial Magistrate First Class, Nagpur, alleging that, the in-laws of the complainant and the applicant No.3 who is the mother of second wife of the husband of the complainant have abated the main accused to perform second marriage.

2. As far as the allegations against applicant Nos. 1 and 2 are concerned, the relevant paragraph 18 of the complaint specifically states that they had knowledge of the marriage between the complainant and accused No.1.

3. So far as applicant No.3 is concerned, there is no specific allegations made in the complaint but vague allegations about abatement is made.

4. The learned counsel for the complainant though argued that the applicant No.3 threatened the complainant but there is no averment in this regard made in the complaint.

5. It is a settled law that as far as Section 494 of the Indian Penal Code (for short "IPC") which relates to bigamy is concerned, it will not attract against the applicants.

6. However, as far as other offences are concerned, I do not find substance in the submission of the learned counsel for the applicants that the applicant Nos.1 and 2 had no knowledge about the first marriage of their son, accused No.1 with the complainant.

7. In the notice issued by the son of the applicant Nos.1 and 2 for restitution of conjugal rights there is a mention about ill-treatment given by the complainant to his parents i.e. applicant Nos.1 and 2. Furthermore, the allegations made in paragraph-18 of the complaint *prima facie* shows the complexity of the applicant Nos.1 and 2 in the alleged offence.

8. So far as applicant No. 3 is concerned, I have already observed that, except vague allegations, there are no specific allegations which would attract any offences much

less the offence under which the complaint is filed and process was issued.

9. Hence, there is no merit in the present matter as regards applicant Nos.1 and 2. Accordingly, the application is **rejected** against the applicant Nos.1 and 2.

10. However, since there are no specific allegations made against the applicant No.3 showing her *prima facie* involvement in the alleged offence, the application is **allowed** in connection with the applicant No.3 and thereby, the proceedings namely Regular Criminal Complaint No.812 of 2020, pending on the file of 14th Jt. Civil Judge Junior Division and Judicial Magistrate First Class, Nagpur, is hereby quashed and set aside against the applicant No.3.

JUDGE