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

CRIMINAL APPLICATION (APL) NO.828 OF 2025

1. Jitendra s/o Gangadhar Kalaskar,
Age : 53 Years, Occupations : Service,
2. Prabhavati w/o Jitendra Kalaskar,
Age : 49 Years, Occupation: Housewife,
3. Pankaj s/o Jitendra Kalaskar,
Age : 23 Years, Occupation : Student,

All Applicants R/o. P-4-A,
Abhinav Housing Society, Mayanagar,
N-2, Near Lohiya Hospital,
CIDCO, Taluka and District
Chh. Sambhajinagar.

.... APPLICANTS

// VERSUS //

1. State of Maharashtra,
through its Police Station In-charge,
Police Station Lakadganj, Nagpur,
Taluka and District Nagpur.
2. X.Y.Z. (In Crime No.495/2024
P.S. Lakadganj, Nagpur) to be
served through P.S.O.
of Police Station,
Lakadganj, Nagpur.

.... NON-APPLICANTS

Mr. R. U. Vyawahare, Advocate with Mr. Balraj Pande,
Advocate through video conferencing for applicant.
Mr. N. H. Joshi, APP for non-applicant No.1/State.
Mr. C. F. Bhagwani, Advocate for non-applicant No.2.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

DATED : 15/12/2025

ORAL JUDGMENT : [Per : NANDESH S. DESHPANDE, J.]

1. Heard.

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2. **Admit.** Heard finally by the consent of learned counsel for the parties.

3. By this application, the applicants are seeking quashing of the Final Report No.145/2025 dated 25.09.2024 and the First Information Report No.495/2024 dated 30.07.2024 registered with Police Station, Lakadganj, Nagpur, District Nagpur and consequent proceeding arising out of the same bearing Sessions Case No.125/2025 pending in the Court of learned Additional Sessions Judge, Nagpur, District Nagpur, alleging commission of offences punishable under Section 506 of the Indian Penal Code as against the present applicants.

4. As per the contentions in the First Information Report lodged by the non-applicant No.2, she and the co-accused No.1 Gourav came in contact with each other as they were working in the same office. A love relationship developed between them and it was decided that they would get married with the consent of all the parties. It further alleged in the First Information Report that, in the month of 2023, the accused No.1 came to Nagpur for having talks relation to the proposed marriage between the parties. However, taking advantage of the fact that there was nobody in the house of the non-applicant No.2, the said accused No.1 established physical relations with her on the pretext of marriage. Thereafter, the marriage between the

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parties was fixed and it was decided that they would marry in the year 2024. However, during the intervening period, the marriage proposal between the parties could not be materialized as the family of the applicants was demanding money and forcing the non-applicant No.2 to obtain loan for their business. When the non-applicant No.2 told this fact to the brother of said Gourav i.e. applicant No.3, instead of helping her, he had also made sexual advances towards her and asked her to establish physical relations with him. Even being aware of the said fact, the co-accused No.1 Gaurav also said that it is quite normal and there is no harm in establishing physical relations with applicant No.3. On these allegations, the First Information Report was lodged and it is challenged in the present application.

5. We have heard learned counsel for the applicants and learned APP for the non-applicant No.1/State and learned counsel for the non-applicant No.2.

6. Learned counsel for the applicants submits that there are no allegations as far as the applicants are concerned, and the only allegation is that they intimidated the non-applicant No.2 for dowry and thereby committed the offence. He further submits that on perusal of the First Information Report in question, it reveals that no case is made out against the applicants. Since the consideration of criminal trial would be an abuse of the

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process of law as far as the applicants are concerned, therefore the case for quashing of the First Information Report and the consequent charge sheet in question.

7. Per contra, learned APP, while opposing the contentions advanced by learned counsel for the applicants states that there are specific allegations against the applicants and except to the averments made in the FIR, he states that co-accused Gaurav, who married the non-applicant No.2 had established sexual relations and the applicants have played an active role in intimidating the non-applicant No.2.

8. Mr. Bhagwani learned counsel for the non-applicant No.2 also supporting the contentions raised by the learned APP and states that there is a *prima facie* case against the present applicants.

9. We have given thoughtful consideration to the contentions advanced by the counsel for the parties, and have gone through the First Information Report and the charge sheet filed on record. After careful perusal of the said documents, we are of the considered opinion that except the applicant No.3 Pankaj, there are no specific allegations against the applicants Nos.1 and 2 as far as the offence of criminal intimidation is concerned. The necessary ingredients for the offence punishable under Section 506 of the Indian Penal Code are not

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made out against the applicant Nos.1 and 2. We are of the considered opinion that continuation of criminal proceedings would put the applicant Nos.1 and 2 in serious prejudice and inconvenience. We would therefore quash the First Information Report and consequent charge sheet as far as the applicant Nos.1 and 2 are concerned. However, as far as the applicant No.3 is concerned, there is a *prima facie* material as the non-applicant No.2 specifically alleged the incident of unlawful sexual favour made by him against the non-applicant No.2. In that view of the matter, we pass the following order:

ORDER

- (i) The application is **allowed partly**.
- (ii) The First Information Report No.495/2024 dated 30.07.2024 registered with Police Station, Lakadganj, Nagpur, District Nagpur and consequent proceeding arising out of the same in Sessions Case No.125/2025 pending in the Court of learned Additional Sessions Judge, Nagpur, District Nagpur, for the offence punishable under Section 506 read with Section 34 of the Indian Penal Code, is quashed and set aside to the extent of applicant No.1 Jitendra s/o Gangadhar Kalaskar and applicant No.2 Prabhavati w/o Jitendra Kalaskar.
- (iii) The prosecution would continue as far as the applicant No.3 Pankaj s/o Jitendra Kalaskar, is concerned.

The application is disposed of accordingly.

(NANDESH S. DESHPANDE, J) (URMILA JOSHI-PHALKE, J)