



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

WRIT PETITION NO. 6202 OF 2023

Panchasheel S/o. Jayram Tayade

.Vs.

The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr V. G. Bhamburkar, Advocate for the petitioner
Mr D. P. Thakare, Addl.GP for respondent Nos.1 to 3 and 7 to 9/State
Smt. Roma Bondade, Advocate for respondent Nos. 4 and 5
Mr R. M. Sharma, Advocate for respondent Nos. 4 and 6
Mr A. M. Tirukh, Advocate for respondent Nos. 10 and 11
Ms Priyanka Arbat, Advocate (appointed) for respondent Nos. 12 to 16
Mr C. J. Dhumne, Advocate for respondent Nos. 19 to 21

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.
DATED : SEPTEMBER 10, 2025.

Heard.

2. In this writ petition, following prayers are made :

“a) call for records and proceedings of the case in respect of registration of the marriage alleged to have been solemnized on 12/12/2015 in between the respondent No.12 and the petitioner, maintained by the respondent No. 10;
b) quash and set aside / cancel the entry in the marriage register maintained by the respondent No.10 in respect of registration of the marriage alleged to have been solemnized on 12/12/2015 in between the respondent No.12 and the petitioner being illegal;
c) declare the marriage alleged to have been solemnized on 12/12/2015 in between the respondent No.12 and the petitioner as illegal / null

& void;

d) declare the marriage solemnized on 20/05/2018 in between the respondent No.12 and petitioner as legal one;

e) quash and set aside the order dated 11/09/2020, issued by the respondent No.19 on the instructions of respondent Nos. 20 & 21 terminating services of the petitioner;

f) direct the respondent Nos. 19 to 21 to reinstate the petitioner with full back wages and continuity in service;

g) direct the respondent Nos.8 & 9 to register an offence against the respondent Nos. 10 to 18;

h) grant any other relief which may deem fit and proper in the facts and circumstances of the case including the costs of this petition.”

3. It is the case of the petitioner that he performed the marriage with respondent No. 12 on 20/05/2018 and not on 12/12/2015. The prayers are thus based on the said case of the petitioner. However, on perusal of document, which is filed on record by the respondent No. 12 namely petition (HMP No. 45 of 2020), for dissolution of marriage, filed by the petitioner against respondent No. 12 under Section 13 (1) (i-a) and (i-b) of the Hindu Marriage Act, 1955, it appears that the said petition was filed by the petitioner on affidavit, wherein, he has categorically stated that he solemnized marriage with respondent No. 12 on 12/12/2015. In the prayer clause and in the body of the petition everywhere, the date about solemnization of his marriage with respondent No.12 is mentioned as ‘12/12/2015’.

4. This Court (Coram : Avinash G. Gharote and Smt. M. S. Jawalkar) on noticing the above referred fact, noted the same in the order dated 19.09.2024. Whereupon, on instructions from the father of the petitioner, who was present in the Court on that day, the learned counsel for the petitioner made a statement that the petitioner does not want to press the prayer clauses (c) to (h), but restricted the petition only with respect to prayer clause (b).

5. Subsequently, the petitioner took a stand that such statement, made on the instructions given by his father, is not acceptable to him. He, therefore, submits that he want to press all the prayer clauses and does not want to restrict the petition as regards the prayer clause (b).

6. We are surprised to note the audacity of the petitioner in the backdrop that in the present petition, it is the case of the petitioner on affidavit that he solemnized marriage with respondent No. 12 on 20/05/2018 and at the same time on affidavit before the Civil Judge Senior Division, Akola in a petition, filed for dissolution of marriage with respondent No.12, it was the case of the petitioner that the marriage was solemnized on 12/12/2015.

7. The learned counsel for the petitioner trying to justify the same by pointing out that subsequently, the petition for dissolution of marriage was withdrawn on

realization of mistake in mentioning the wrong date of marriage.

8. In the present petition, there is no disclosure of filing of the said petition for dissolution of marriage. However, while withdrawing the petition for dissolution of marriage, the pursis, which was filed, does not disclose about such fact of any mistake committed in mentioning the date of marriage.

9. From the above referred backdrop, it is evident that the petitioner has not approached to this Court with clean hands.

10. The Hon'ble Supreme Court of India in the case of *Auroville Foundation .v/s. Natasha Storey*¹ has held thus:

“9. It is no more res integra that the Doctrine of "Clean hands and non-suppression of material facts" is applicable with full force to every proceedings before any judicial forum. The party invoking extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India must come with clean hands and disclose all correct and material facts in his Writ Petition. If it is brought to the notice of the Court that the petition has been guilty of suppression of material and relevant facts or has not come with clean hands, such conduct must be seriously viewed by the courts as the abuse of process of law and the petition must be dismissed on that ground alone without entering into the merits of the matter.”

1 AIR 2025 SC 1638

11. In view of the above referred observations and having considered the above referred facts, we have no hesitation to hold that the petitioner is not entitled for any equitable reliefs. In the circumstances, we are not inclined to exercise the discretion under Articles 226 and 227 of the Constitution of India.

12. Accordingly, the writ petition stands **dismissed**. Pending applications, if any, stands disposed of.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]

Namrata