IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CRIMINAL APPLICATION NO. 697 OF 2024

NIKHIL SHANTARAM BHAVSAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Mr. Shivraj B. Kadu, Advocate for Applicants
Ms. R. P. Gour, APP for the Respondent/State
Ms. Pooja Apache, Advocate for Respondent No.2 (Appointed)

CORAM : R. M. JOSHI, J.
DATED : 15th OCTOBER, 2026

PER COURT :-

1. The Applicants seek quashing of First Information Report bearing C.R. No. 43/2023, registered with Zilla Peth Police Station, Jalgaon, for the offences punishable under Sections 323, 498-A and 504 read with Section 34 of the Indian Penal Code along with Charge-Sheet No. 115/2023 as well as order of issuance of process passed by the competent Court in Regular Criminal Case No. 537/2023, pending before the learned Judicial Magistrate First Class, Jalgaon.

2. The First Information Report lodged by Respondent No. 2 herein indicates that she claims to have married Applicant No. 1 on 20.06.2021. There are allegations against all the Applicants that they demanded an amount of Rs. 5 lakhs and harassed her on that account.

3. Learned Advocate for the Applicants drew the attention of the Court to the judgment dated 06.08.2021 passed in Marriage Petition No. 1698/2019, filed by the Informant against Vyankatesh Dhumale, whereby a decree of divorce was granted. He argued that Informant performed marriages and report against Applicants is false and aimed at extortion. He also drew the attention of the Court to the statement of the Informant's sister, which indicates that the Informant had previously contracted two marriages. According to him, it is an admitted position that the Informant was married to Vyankatesh Dhumale and that the said marriage was dissolved only on 06.08.2021. According to him since the Informant was married to Applicant No.1 on 20.06.2021, and there could not have been a valid marriage between the Informant and Applicant No. 1 on that date. He further drew the attention of the Court to the provisions of Section 498-A of the Indian Penal Code, which indicate that proceedings under the said provision can be initiated against the husband or a relative of the husband of a woman. In support of his submissions, he placed reliance on the judgment of the Hon'ble Supreme Court in ***Shivcharan Lal Verma and Others v. State of Madhya Pradesh, (2007) 15 SCC 369***.

4. Learned APP and learned Advocate for the Informant opposed the grant of any relief to the Applicants. It is their contention that the First Information

Report contains specific allegations against all the Applicants regarding the harassment allegedly caused to the Informant in connection with the demand for Rs. 5 lakhs. It is submitted that the factum of the Informant's earlier marriage and the validity of her alleged marriage with Applicant No. 1 are matters to be considered at the stage of trial and can be decided on the basis of the evidence adduced before the Trial Court.

5. There is no dispute regarding the legal position that the provisions of Section 498-A of the Indian Penal Code would apply where a woman is subjected to cruelty by her husband or a relative of her husband. The material available in the charge-sheet indicates that the Informant was married to Vyankatesh Dhumale and that the said marriage came to be dissolved by a decree dated 06.08.2021. The Informant does not dispute the fact of her earlier marriage or the order passed by competent Court of dissolution of the same. Thus, the fact that the marriage between the Informant and Vyankatesh Dhumale stood dissolved only on 06.08.2021 is not in dispute. Consequently, the question of establishing the absence of a valid marriage between the Informant and Applicant No. 1 on 20.06.2021 before Trial Court does not require adjudication considering the material evidence in charge-sheet. In the absence of a valid marital relationship between the Informant and Applicant No. 1, the provisions of Section 498-A of the Indian Penal Code would not be

attracted in the present case, as rightly submitted by the learned Advocate for the Applicants.

6. The other offences alleged against the Applicants are non-cognizable in nature. Hence, the application is allowed in terms of prayer clauses 'B' and 'B-1'.

7. The fees of the appointed learned Advocate is quantified at Rs. 10,000/-.

(R. M. JOSHI, J.)

ssp