



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

CRIMINAL APPLICATION (APL) NO. 1670 OF 2025

APPLICANTS

- :-** 1) Bhagchand Kapurchand Garade,
Age 56 years, Occu: Agriculture, R/
o Karanja, Tah. and Dist. Gondia.
- 2) Purshottam Chaitram Damahe,
Age 52 years, Occu: Agriculture,
R/o Rampur, Tah. Tumsar,
Dist. Bhandara.
- 3) Sevakram Gopal Chikholonde,
Age 52 years, Occu: Agriculture, R/
o at Jabbartola, Tah. Tumsar, District
Gondia.

..VERSUS..

NON-
APPLICANTS

- :-** 1) The State of Maharashtra,
through Police Station Officer,
Police Station Gondia Rural, Dist.
Gondia.
- 2) Rajkumar Ghanshyam Maskare,
Aged about 35 years, Occupation:
business, R/o Chandnitola, Tah. And
District Gondia.

Mr. D.V. Mahajan, counsel for applicant.
Mr. N.B. Jawade, APP for non-applicant/State.
Mr. N.R. Tekade, counsel for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 02/04/2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally with the consent of learned counsel for the applicants, learned APP for non-applicant / State and learned counsel for non-applicant No.2.
3. By this application, the applicants seeks quashing of FIR in connection with Crime No. 63/2025 registered with Police Station Gondia Rural, District Gondia, for the offence punishable under Section 4 of the Dowry Prohibition Act, 1961, and the consequent proceedings arising out of same bearing Chargesheet No.12/2025 and Regular Criminal Case No. 180/2025, pending before the Chief Judicial Magistrate, Gondia, against the present applicants..
4. As per the contents of the application, the applicants are the distant relatives of co-accused Nitin Baburao Uparade. The non-applicant No.2 lodged a complaint against them alleging that the marriage of sister of the non-applicant No.2

came to be fixed with the Nitin Baburao Uparade though one mediator, namely Sevakram Chikhlonde. It is further stated that said Nitin Baburao Uparade was working at Bangalore as a Software Engineer. The engagement ceremony organized was held on 31/01/2025 at Shivam Lawn. After the engagement, about 6.00 p.m. Nitin Baburao Uparade, and his mother Smt. Sushila Uparade and his sister Prerna Tiwade and other relatives have allegedly demanded the amount of Rs. 15,00,000/- and one four-wheeler namely Creta vehicle. When the complainant expressed his inability to fulfill such demands, the said relationship was broken. On the basis of the said report, police have registered the crime against the present applicants.

5. Heard learned counsel for the applicants, who submitted that merely because the marriage is broken, this FIR came to be lodged against the present applicants. She submitted that, as far as the role of the present applicants are concerned, they are the distant relatives and they were implicated in the alleged offence only because they were present for the said engagement ceremony. It is further

submitted that there is no specific role, which they have played in the said crime as they are the distant relatives of the other co-accused Nitin. Therefore, no prima-facie case is made out against the present applicants, and the application deserves to be allowed.

6. Per contra, learned APP and learned counsel for the complainant submitted that the involvement of the present applicants is specifically stated by the non-applicant No.2. and therefore, the prima-facie case is there, in view of that, the application deserves to be rejected.

7. I have carefully perused the charge-sheet, which consists of the material collected by the investigating agency. On perusal of the said investigation papers, it is necessary to refer Sections 3 and 4 of the Dowry Prohibition Act, which reproduced as under :-

“3. Penalty for giving or taking dowry.—5 [(1)]

If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable [with imprisonment for a term which shall not be less than [five years, and with fine which shall not be less than fifteen

thousand rupees or the amount of the value of such dowry, whichever is more]:

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than [five years].]

[(2) Nothing in sub-section (1) shall apply to, or in relation to,— (a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

(b) presents which are given at the time of a marriage to the bridegroom (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents

are given.] 1

4. Penalty for demanding dowry.—If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.”

8. As can be seen from the meaningful reading of Section 3 it contemplates ‘giving or taking’ of dowry. However, in the present case, as far as the present applicants are concerned, there is no allegation that they have either demanded any amount. The allegations regarding giving or taking dowry is concerned, that allegations is levelled against the co-accused.

9. Furthermore, as far as Section 4 is concerned, it contemplates penalty for demanding dowry. The word “demand” in Section 3 carries a wide, but a general

connotation. If the material placed on record and more particularly written report lodged by the non-applicant No.2 which has led to lodging of First Information Report, it can be seen that said allegations levelled against other co-accused which is substantiated by the independent witnesses.

10. As far as the present applicants are concerned, the aspect of a demand is not attributed to the present applicants. All these allegations are levelled against the other co-accused. Thus, in view of the parameters laid down by the Hon'ble Apex Court in the case *State of Haryana and others Vs Bhajan Lal and others reported in AIR 1992 SC 604* more particularly clauses (1) to (7) in paragraph 102 which are reproduced as under :

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima-facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers

under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the

grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

11. In view of the above facts and circumstances of the case, admittedly the continuance of the said proceedings against the present applicants would be an abuse of process of Court. Therefore, application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The Criminal Application is **allowed**.
- b] The FIR in connection with Crime No. 63/2025 registered with Police Station Gondia Rural, District Gondia, for the offence punishable under Section 4 of the Dowry Prohibition Act, 1961, and consequent proceedings bearing Chargesheet No. 12/2025 and having Regular Criminal Case No. 180/2025, pending before

the Chief Judicial Magistrate, Gondia, is hereby
quashed and set aside to the extent of present
applicant.

12. Pending application(s), if any, stands **disposed of**.

(URMILA JOSHI PHALKE, J.)