

Onkar Chandrakant Teli Vs State Of Maharashtra & Ors

Court: Bombay High Court

Date of Decision: Jan. 10, 2025

Acts Referred: Constitution of India, 1950 " Article 226
Code of Criminal Procedure, 1973 " Section 155(2), 156(1), 482
Indian Penal Code, 1860 " Section 323, 377, 406, 498A, 506

Hon'ble Judges: Ravindra V. Ghuge, J; Rajesh S. Patil, J

Bench: Division Bench

Advocate: Vishal M. Deshmukh, R.M.Pethe, Prasad Panchal, Neha Rane

Final Decision: Dismissed

Judgement

Ravindra V. Ghuge, J

1. This matter was heard for quite some time on 9th January, 2025. Petitioner No.2 was present in the Court. We granted an overnight pass-over to

enable the learned Advocate for the Petitioners to take instructions.

2. Today, the learned Advocate submits, on instructions from Petitioner No.2, who is present in the Court, that they pray for an order.

3. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

4. The Petitioners comprise of the husband of the Complainant, parents-in-law and the sisters-in-law. They have put forth prayer clause 14 (i) as

under:

“i) F.I.R.No. 0220 of 2023 dated 31.03.2023 registered by respondent no.2 may kindly be quashed on the ground that there is no

offence made out against the Petitioners.”

5. A First Information Report (FIR) bearing No. 0123 of 2023, was registered on 22nd March, 2023 at 20:58 hours with the N.M.Joshi Marg Police

Station, Brihan Mumbai (City). All these Petitioners are arrayed as the Accused in the said FIR. Subsequently, the FIR was transferred to the Samta

Nagar Police Station, and was registered on 31st March, 2023 at 00: 23 hours (00:23 am) and renumbered as 0220 of 2023.

6. The learned Advocate for the Petitioners has strenuously canvassed that none of the Petitioners are guilty of having committed any offence. All of

them are innocent. A false complaint has been registered by the Complainant/ Informant, who is the wife of Petitioner No.1. She is working as a

Junior Processing Officer in a Bank. She has falsely leveled allegations due to which Sections 377, 498-A, 323, 506 and 406 of the Indian Penal Code,

1860 have been invoked.

7. It is canvassed that the marriage between Petitioner No.1 and the Complainant was solemnized on 27th May, 2022. It is claimed that the

Complainant was staying in the marital home and the marriage was not consummated for two months. The Complainant started insisting for a

separate residence after three days of the marriage. The parents politely rejected the request. The Complainant has a dominating nature.

8. A Satyanarayan Pooja was performed on 9th June, 2022. The relatives of the Complainant attended the Pooja, had Darshan and had lunch. The

Complainant consistently demanded a separate residence and that was the reason for the quarrel. A host of reasons are cited in the pleadings to claim

that the FIR contains false and bogus complaints.

9. The Petitioners have relied upon Preeti Gupta and Another Versus State of Jharkhand and Another (2010) 7 SCC 667 claiming that

exaggerated versions are not to be considered. In paragraph 4 of Preeti Gupta and Another (supra), the Hon'ble Supreme Court noted that the

only demand made by the in-laws of the Informant was for a luxury car and no incident of harassment was alleged. There were no other allegations.

The Prosecution Witness also did not make any allegations against the Accused.

10. The Petitioners have then relied upon Abhishek Versus State of Madhya Pradesh 2023 SCC OnLine SC 1083. The allegations set out are

adverted to in paragraph 6 of the judgment. It is concluded in paragraph 12 as under :

“12. The contours of the power to quash criminal proceedings under Section 482 Cr. P.C. are well defined. In V. Ravi Kumar v. State represented by Inspector

of Police, District Crime Branch, Salem, Tamil Nadu ((2019) 14 SCC 568], this Court affirmed that where an accused seeks quashing of the FIR, invoking the

inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudicate the correctness of the allegations

in the complaint. In Neeharika Infrastructure (P). Ltd. v. State of Maharashtra [Criminal Appeal No. 330 of 2021, decided on 13.04.2021], a 3- Judge Bench of

this Court elaborately considered the scope and extent of the power under Section 482 Cr. P.C. It was observed that the power of quashing should be exercised

sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It

was further observed that while examining the FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or

genuineness or otherwise of the allegations made therein, but if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed

by law, and more particularly, the parameters laid down by this Court in R.P. Kapur v. State of Punjab (AIR 1960 SC 866) and State of Haryana v. Bhajan Lal

[(1992) Supp (1) SCC 335), the Court would have jurisdiction to quash the FIR/complaint.

11. The principles culled out by the Hon'ble Supreme Court in State of Haryana V. Ch. Bhajan Lal and Others AIR 1992 SC 604. were referred

to in paragraph 17 as under :

"17. In Bhajan Lal (supra), this Court had set out, by way of Illustration, the broad categories of cases in which the inherent power under Section 482 Cr. P.C.

could be exercised. Para 102 of the decision reads as follows:

'102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court

in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have

extracted and reproduced above, we give the following categories of cases by way of Illustration wherein such power could be exercised either to prevent abuse of

the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently

channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(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.Ã¢â¬â¢

12. In Abhishek (supra), the HonÃ¢â¬â¢ble Supreme Court finally observed that Abhishek became a Judicial Officer 6 or 7 months after marriage and

had no occasion to deal with the Complainant at Mumbai. His exposure to her was only when she came to visit her in-laws during festivals. Nimish

was the brother of the husband of the Complainant. It was also noted that the Complainant left the marital home in February, 2009 and did not

complain against the in-laws or her husband for a period of four years. The HonÃ¢â¬â¢ble Supreme Court, therefore, partly quashed the FIR only to the

extent of Kusum Lata, Abhishek Gour and Sourabh Gour.

13. The learned Advocate representing the Complainant has entered an affidavit in reply, dated 8th January, 2025. The Complainant has reiterated all

the allegations made against the husband and the in-laws. The intemperate language and the temperamental behaviour of the husband, is reiterated in

the affidavit in reply. She has also adverted to a complaint made to the Police Station on 2nd January, 2023 making serious allegations about the sexual

assault and the acts of unnatural sex by the husband. The said complaint runs into eight pages and there is a vivid description about the weird

behaviour of the husband as well as the parents-in-law.

14. We do not desire to advert to each and every complaint made by the Complainant keeping in view that our observations may influence the learned

Trial Court Judge.

15. The learned APP submits that the Complainant has time and again approached the Law Enforcement Agencies for redressal. Initially, she did not

file an FIR, but approached the Police Station, probably under the impression that the intervention of the Police Authorities would change the

aggressive and atrocious behaviour of the husband and the mother-in-law. The learned Advocate for the Complainant submits that when it became

unbearable for the Complainant, that she approached the Police Station and lodged the FIR.

16. Taking into account the various factors as recorded above, we have referred to the following judgments:

(i) Naresh Aneja alias Naresh Kumar Aneja Versus State of Uttar Pradesh 2025 SCC OnLine SC 3;

(ii) Kim Wansoo Versus State of Uttar Pradesh and Others 2025 SCC OnLine SC 17;

(iii) Central Bureau of Investigation v. Aryan Singh etc AIR 2023 Supreme Court 1987;

(iv) State of Odisha Versus Pratima Mohanty and Others; 2022) 16 SCC 703

(v) Kaptan Singh Versus State of Uttar Pradesh and Others; (2021) 9 SCC 35

(vi) Rajeev Kourav Versus Baisahab and Others; (2020) 3 SCC 317

(vii) State of Haryana V. Ch. Bhajan Lal and Others; AIR 1992 SC 604

17. We find that the allegations against the father-in-law, namely, Chandrakant Vasudev Teli and the two biological sisters of Petitioner No.1, namely,

Aishwarya Chandrakant Teli and Vaishanavee Chandrakant Teli, are only to the extent of minor taunts and comments made upon the Complainant.

Both the sisters-in-law are alleged to have been taunting the Complainant and indicating to her that she must do as the mother-in-law desires.

18. Considering the above and the law applicable, we are of the view that this Petition can be considered to the extent of Petitioner Nos. 2, 4 and 5.

19. As such, this Writ Petition is partly allowed to the extent of Petitioner Nos.2, 4 and 5, namely, Chandrakant Teli, Aishwarya Teli and Vaishanavee

Teli, respectively. FIR bearing No. 0220 of 2023 registered with Samta Nagar Police Station on 31st March, 2023 stands quashed to the extent of

these three Petitioners.

20. Insofar as Petitioner No.1, Onkar Chandrakant Teli (husband), and Petitioner No.3, Priyanka Chandrakant Teli (mother-in-law) of the

Complainant, this Writ Petition stands dismissed.

21. Rule is made partly absolute in the above terms.