



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4604 OF 2023

1. Vimal Hanmantrao Mane  
Age : 65 Years, Occu. : Household,  
R/o. At Dakshin Shend, Post Daithana,  
Tq. Shirur Anantpal, Dist. Latur.
2. Janardhan S/o. Hanmantrao Mane  
Age : 43 Years, Occu. : Agriculture,  
R/o. At Sumthana, Post Digol,  
Tq. Shirur Anantpal, Dist. Latur.
3. Archana W/o. Janardhan Mane  
Age : 38 Years, Occu. : Household,  
R/o. At Sumthana, Post Digol,  
Tq. Shirur Anantpal, Dist. Latur.
4. Shanta W/o. Dilip Patil  
Age : 50 Years, Occu. : Household,  
R/o. At Dakshin Shend, Post Daithana,  
Tq. Shirur Anantpal, Dist. Latur.
5. Puja Angad Biradar  
Age : 42 Years, Occu. : Household,  
R/o. Flat No.203, 2<sup>nd</sup> Floor,  
“Sainik Residency”, Survey No.295/2A,  
Lohgaon Road, Nimbalkar Nagar,  
Lohgaon Haveli, Pune.

.... Applicants

**VERSUS**

1. The State of Maharashtra  
Through AUSA Police Station,  
Dist. Latur.

2. Ashwini W/o. Laxman Mane  
Age : 34 Years, Occu. : Household,  
R/o. Nath Nagar, AUSA,  
Tq. AUSA, Dist. Latur.

.... Respondents

....  
Advocate for Applicants : Mr. Rajendra N. Chavan  
APP for Respondent No.1-State : Mr. S.A. Gaikwad  
....

**CORAM : SMT. VIBHA KANKANWADI &  
SANJAY A. DESHMUKH, JJ.**

**RESERVED ON : 04<sup>th</sup> April 2025  
PRONOUNCED ON : 09<sup>th</sup> April 2025**

**ORDER [PER SANJAY A. DESHMUKH, J.] :-**

1. This is an application for quashing the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.625 of 2023, pending before the learned Judicial Magistrate First Class, AUSA, Dist. Latur, arising out of Crime bearing No.0378 of 2023, registered at AUSA Police Station, Dist. Latur on 05.09.2023, for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

2. It is admitted fact that applicant No.1 is mother-in-law, applicant No.2 is brother-in-law, applicant No.3 is sister-in-law (wife of applicant No.2), applicant No.4 is cousin mother-in-law and applicant No.5 is married sister-in-law of the informant.

3. Learned Advocate for the applicants pointed out the report dated 05.09.2023. The respondent No.2/informant averred in the report that she married with the son of applicant No.1 on 09.06.2008. In her marriage, Rs.1.50 Lakhs as a dowry, two Tolas golden ornaments and Rs.20,000/- for Shevanti (ceremony) and other home appliances, etc. were given.

4. The informant further averred that, after marriage, for about one month, she was treated well. Thereafter, all the applicants started taunting and treating with disrespect to her by abusing. On some occasion, the applicants used to beat her. They were keeping her on starvation. She was bearing that cruelty only to continue her marital tie. She begotten two daughters viz. Dnyaneshwari and Maheshwari and one son viz. Shivprasad. She felt that now the applicants will treat her well, but her harassment was continued by all the applicants and her husband. Her mother tried to convince the applicants and her husband. However, she was insulted and expelled from the house. Thereafter, the informant was again harassed by questioning as to why she stated the fact of cruelty to her mother. All the applicants were demanded Rs.5 Lakhs to her for starting new business for her husband and she was expelled from the house.

5. The informant further averred that, on 11.02.2023, her mother obtained Rs.2 Lakhs as a loan by mortgaging her gold. She also took Rs.3 Lakhs from the Bachat Gat and paid that amount to the applicants. Thereafter, she was treated well for one month. After that, the applicants started to harass her by demanding more money. At the time of Diwali festival of 2022, the applicants kept those two daughters with them and expelled her along with her son Shivprasad. Since then, she is residing with her parents.

6. The informant further averred that on 11.07.2023, her husband called her at Yerolmod, Tq. Shirur Anantpal. All the applicants and her husband came there. They took away son Shivprasad from her and beaten her. She made a complaint to the Women Counselling Center, AUSA, Dist. Latur, but it went into vein. Thereafter, she lodged the report on 05.09.2023.

7. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. All the allegations in the report and charge-sheet are vague and omnibus. Applicant No.1 is 65 years old lady. Applicant No.4 is cousin mother-in-law. Applicant No.5 is married sister-in-law, who is residing at Pune. Applicant Nos.2 and 3 are residing at Sumthana, Tq. Shirur Anantpal, Dist. Latur. The

informant is residing with her husband at Dakshin Shend, Post Daithana, Tq. Shirur Anantpal, Dist. Latur.

8. Learned Advocate for the applicants submitted that the alleged incident did not happen as stated by the informant in her report. Applicant No.2 lodged the report on 31.10.2022 against the informant for setting ablaze his soyabean crops. The report lodged by the informant is counter blast to the report lodged by applicant No.2. The essential ingredients of Section 498-A of I.P.C. are not attracting to the case in hand. If the applicants are compelled to face the trial, it would certainly be an abuse process of Court. Lastly, it is prayed to allow the application.

9. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty against the applicants. Their names are mentioned in the F.I.R. The applicants treated the informant with cruelty by demanding money, abusing her, insulting and by beating her. Thus, they caused physical and mental cruelty and compelled her to live at parents house. It is lastly prayed to reject the application.

10. In the context of this case, it would be relevant to refer the decision of the Hon'ble Supreme Court in *Mohammad Wajid and*

***Another Vs. State of U.P. and Another, reported in 2023 SCC Online SC 951; 2023 INSC 683***, wherein the Hon'ble Supreme Court held thus :-

*“34 ..... it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation....”*

11. A reference can be made to the judgment in the case of ***CBI vs. Aryan Singh, reported in 2023 SCC Online SC 379***, in which the Hon'ble Supreme Court held as under :-

*“10. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 of Cr.P.C., the Court is not required to conduct the mini trial.”*

12. In case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported in 2025 SCC Online SC 17**, the Hon'ble Supreme Court, in para 9 of the judgment, has held as under :

“9. In **State of A.P. v. Golconda Linga Swamy**, this Court again held that where an FIR did not disclose the commission of an offence without anything being added or subtracted from the recitals thereof, the said FIR could be quashed.

13. We have perused the report and charge-sheet. It appears that the report has been lodged on 05.09.2023 and the last incident is stated to be occurred on 11.07.2023, when the informant was beaten and her son was taken away from her at Yerolmod. Learned Advocate for the applicants pointed out Exhibit-F, which was N.C.R. registered against the informant that she beaten applicant No.1/her mother-in-law. The report is lodged by applicant No.2/brother-in-law against the informant and two other persons that his soyabean crop was set ablaze, worth Rs.4 Lakhs.

14. As per the report lodged by the informant, since the Diwali festival of 2022, she was expelled from the house and alleged incident of beating to applicant No.1/mother-in-law took place on 06.11.2022, for which the N.C.R. is registered on the same day against the informant. The incident of alleged setting ablaze of

soyabean crop was occurred on 20.10.2022. However, report is lodged on 31.10.2022. Reasons of delay are not stated in the report and charge-sheet.

15. After going through the statements of witnesses, we found that allegations made by the informant are stated by the witnesses in their statements. They have stated the incident dated 11.07.2023 that the husband of the informant beaten her and took away her son and thereafter, report was lodged. The husband has not filed an application for quashing the report. There are serious allegations against the applicants. The informant in her report stated that the applicants and her husband demanded Rs.5 Lakhs to her. From the entire charge-sheet, it is not clarified by the informant in her report and witnesses in their statements as to when and how these applicants came there and demanded Rs.5 Lakhs to her. The allegations made by her are of general nature and role of each of the applicants is not specifically stated by the informant and witnesses.

16. The Investigating Officer has not collected the documents of mortgage of the gold which was kept by the informant's mother for obtaining loan of Rs.2 lakhs to comply the demand of Rs.5 Lakhs of the applicants. The Investigating Officer has also not collected the documents of Bachat Gat, from which Rs.3 Lakhs were obtained as an

advance/loan and it was paid to the informant or the applicants or her husband.

17. Though the allegations of setting ablaze of soyabean crop are made against the informant and her relatives, those cannot be considered at this stage. It is a matter of fact and it has to be proved in a separate trial. However, it is crystal clear that the N.C.R. lodged by applicant No.1 against the informant that she beaten her is prior to lodging of the present F.I.R. It has to be considered with reference to the date of lodging of this report in question.

18. The allegations are made against the husband of the informant that her son was taken away when she was called at Yerolmod on 11.07.2023. So far as the allegation of demand of Rs.5 Lakhs is concerned, those are made against the husband and the applicants. However, it is not establishing that the amount of Rs.5 Lakhs was paid by the mother of the informant to any of the applicant. What was done after payment of that amount is not clarified either from the report and statements of witnesses. No documentary evidence is brought on record with regards to that transaction to support the informant's case of cruelty.

19. The informant stated in her report that the applicants caused cruelty by beating her. However, no medical evidence is

produced on record to establish that fact. The essential ingredients of Sections 498-A, 323, 504 of I.P.C. are not establishing against the applicants either from the report or the charge-sheet. In such a fact situation, if the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. We are, therefore, inclined to exercise our powers under Section 482 of the Code of Criminal Procedure, 1973 in the interest of justice to prevent the abuse of process of Court by quashing the said report and charge-sheet against the applicants. The application deserves to be allowed. Hence, the following order.

**ORDER**

- I) The application stands allowed.
- II) The First Information Report and charge-sheet in R.C.C. No.625 of 2023, pending before the learned Judicial Magistrate First Class, Ausa, Dist. Latur, arising out of Crime bearing No.0378 of 2023, registered at Ausa Police Station, Dist. Latur on 05.09.2023, for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860 stands quashed against the applicants.

[ SANJAY A. DESHMUKH ]  
JUDGE

[ SMT. VIBHA KANKANWADI ]  
JUDGE