



THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 42 OF 2024

1. Renuka W/o Vinayak Gaikwad
(Sister-in law)
Age-45 years, Occu: Household
2. Vinayak S/o Manohar Gaikwad
(Husband of Sister-in law)
Age-53 years, Occu: Business

Both R/o- Plot No.701, "A" wing,
Windsor Mahendra Royal Society,
Survey No. 145, Nehrun Nagar,
Pimpri Chinchwad, Pune.

... Applicants
(Orig. Accused No. 5 to 6)

VERSUS

1. The State of Maharashtra,
For Rahata Police Station Rahata,
Tq. Rahata Dist.- Ahmednagar.
2. Priyanka W/o Sagar Desai
Age: 33 years, Occu.: Household,
R/o- C/o- Nalini W/o Bandopant Sonawane
Khandoba Chouk, Rahata,
Tq. Rahata Dist.- Ahmednagar.

... Respondents
(Resp. No. 2 is Orig. Informant)

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Mr. Amol Subhash Gandhi, Advocate for Applicants.

Mr. N. R. Dayama, APP for Respondent No.1 / State.

Mr. Ajay G. Talhar, Advocate for Respondent No.2.

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

DATE : 09th May, 2025.

PER COURT:

1 Heard the learned advocates for the respective parties.

2 Present application has been filed for quashment of the charge-sheet and proceedings in Regular Criminal Case No.10 of 2023, pending in the Court of the learned Judicial Magistrate First Class, Rahata, District Ahmednagar, arising out of the FIR bearing C.R. No.5 of 2023, dated 5th January, 2023, registered with Rahata Police Station, District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

3 Applicant No.1 is the sister-in-law of the respondent No.2 / informant and applicant No.2 is the husband of applicant No.1.

4 The informant averred in the report that she married with the brother of applicant No.1 on 12th December, 2019. Initially she was treated well for fifteen days. However, on 29th December, 2019, her mother-in-law started to harass her and said that her father has not

performed the marriage properly. Household articles were not sufficiently given. Her father-in-law Dattatray said that her father has not given dowry in the marriage. He demanded some amount for routine expenses. Her husband also demanded Rs.5,00,000/- for purchasing a new car. When she refused and explained that her parents were financially weak and performed her marriage by taking hand loan, at that time, she was beaten by her husband by kicks and fist blows. She was abused and threatened to be expelled from the house. She was threatened that if she failed to bring the money, she will be expelled from the house. They also said that she would be kept hungry until she fulfilled their demand. From 29th December, 2019, while she was residing at her matrimonial home, her in-laws and husband continuously harassed her physically and mentally under the pretext that she failed to bring money from her parental home for purchasing a car. She regularly informed her parents, maternal uncles, and brother about the ongoing harassment by making phone call.

5 The informant further averred that on 4th October, 2020, her parents-in-law and husband again demanded money by saying that if the money is available for her brother's marriage then what is the difficulty to pay that money to her. When the informant refused and explained that her parents were financially incapable, they abused her in filthy language and beat her. At that time, the informant was pregnant. Her husband told

the family members that unless she brought the money, she should not be given food and must be starved. Her husband threatened to kill her if she failed to bring the said amount.

6 The informant further averred that on 5th October, 2020 at around 07:00 a.m., her husband and parents-in-law demanded Rs.5,00,000/- for purchasing a car and told her to go to her parental home and return only with the money. They dropped her at her parents' house. They said that she should not return without the amount demanded. Since then, she started to reside at her parental home. After the birth of her child, the informant went to her matrimonial home. At that time, her husband asked her mother, brother and maternal uncle about the money and refused to listen to them and demanded Rs.5,00,000/- for purchasing a car. They tried to convince her husband, but he was not paying heed to them. He abused them and expelled them from the house.

7 The informant further averred that her brother-in-law Vishwanath Dattatray Desai, who resides separately at Saraswati Nagar, Nashik, frequently visited her matrimonial home and told her to bring Rs.5,00,000/- from her parents as her husband wanted to purchase a car. On several occasions, he assaulted her and harassed her. The applicants were residing at Pimpri-Chinchwad, Pune. However,

frequently they used to come at Nashik. They used to humiliate the informant stating that they could have found a better bride for the husband of informant. They were saying that the marriage was performed with a beggar. Nothing was given in the marriage. They were demanding Rs.5,00,000/- for purchasing a car. They instigated her in-laws to expel her from the house, unless she fulfilled the demand. Applicant No.1 and the informant's mother-in-law also frequently criticized her for not having any work skills.

8 The informant further averred that on 17th December, 2021, while she was at her matrimonial home in Nashik, her husband, parents-in-law and brother-in-law Vishwanath gathered in the house. They again demanded Rs.5,00,000/- for purchasing a car. When she refused for the same, they abused and beat her and warned her not to return unless she brought the money. They expelled her from the house. The informant tried to convince them, but they did not pay any heed to her. Therefore, she made an application to Bharosa Cell at Ahmednagar. However, the matter was not compromised. Therefore, she lodged the report.

9 The learned counsel for the applicants submits that the applicants are falsely implicated in the crime. They are not involved in the crime in any way. General and vague allegations are made against

them. There is no acceptable evidence against them. He lastly prayed to allow the application by quashing the report and the consequential proceedings.

10 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. They have demanded Rs.5,00,000/- for purchasing a car. There is strong evidence against the applicants. He lastly prayed to reject the application.

11 The learned counsel for the informant / respondent No.2 also strongly opposed the application. He submitted that the names of the applicants are mentioned in the report. They are involved in serious crime of causing cruelty to the informant. They have committed anti-social crime. They have demanded Rs.5,00,000/- to the informant for purchasing a car. He lastly prayed to reject the application.

12 Here, it is relevant to refer to the decision of the Honourable Supreme Court in ***Mohammad Wajid and Another Vs. State of U.P. and Another***, reported in, ***2023 SCC Online SC 951; 2023 INSC 683***, whereunder the Honourable 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....”

13 A reference also can be made to the judgment in the case of ***CBI Vs. Aryan Singh***, reported in, ***2023 SCC Online SC 379***, in which the Honourable Supreme Court held as under:-

“Para 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 Cr. P.C., the Court is not required to conduct the mini trial.”

14 We have perused the charge-sheet, particularly, the report and the statements of witnesses. The witnesses have made similar allegations, which are made by the informant in her report. The names of the applicants are mentioned in the report and allegations are made against them that they have also demanded Rs.5,00,000/- for

purchasing a car. However, from perusal of the report, no specific date is stated as to when exactly the applicants came at Nashik from Pimpri Chinchwad, Pune and demanded that amount. The allegations of frequent demand are made against the husband and parents-in-law of the informant. They are not party to this proceedings. From the entire charge-sheet, considering above facts and reasons, the essential ingredients of Sections 498-A, 323, 504 and 506 are not establishing against these applicants. General and vague allegations are made against the applicants. In such fact situation, we are of the view that if the applicants are directed to face the trial, it would certainly be an abuse of the process of Court. We are therefore, inclined to allow the application by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice to prevent the abuse of the process of Court. The application deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The charge-sheet and proceedings in Regular Criminal Case No.10 of 2023, pending in the Court of the learned Judicial Magistrate First Class, Rahata, District Ahmednagar, arising out of the FIR bearing C.R. No.5 of 2023, dated 5th January, 2023, registered with Rahata Police Station, District

Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed as against the applicants.

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[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]