



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 154 OF 2024

1. Syed Jameer S/o. Jilani Patel,
Age : 37 Years, Occu. : Private Service,
R/o. Emad Manzil, Royal Colony,
Jalkot Road, Udgir, Dist. Latur.
2. Syed Jilani S/o. Sardar Patel,
Age : 71 Years, Occu. : Pensioner,
R/o. Noor Patel Colony,
Udgir, Tq. Udgir, Dist. Latur.
3. Mehrunnisa Begum W/o. Jilani Patel,
Age : 67 Years, Occu. : Household,
R/o. Noor Patel Colony,
Udgir, Dist. Latur.
4. Syed Sailani S/o. Syed Jilani Patel,
Age : 47 Years, Occu. : Private Service,
R/o. 5384 Hindustan Colony,
Bidar Road, Udgir, Dist. Latur.
5. Syed Pasha S/o. Syed Jilani,
Age : 35 Years, Occu. : Pvt. Service at Oman,
R/o. Noor Patel Colony,
Udgir, Dist. Latur.
At President R/o. Oman.
6. Parveen W/o. Aref Syed,
Age : 43 Years, Occu. : Household,
R/o. Azad Colony, Degloor,
Dist. Nanded.
7. Yasmeen W/o. Qayyum Shaikh,
Age : 31 Years, Occu. : Household,
R/o. Degloor Naka, Dist. Nanded.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Gramin Police Station Udgir,
Dist. Latur.
2. Sana Anjum W/o. Zameer Patel,
Age : 30 Years, Occu. : Household,
R/o. Ashiyana Manzil,
Noor Patel Colony, Udgir,
Tq. Udgir, Dist. Latur.

.... Respondents

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Advocate for Applicants : Mr. A.N. Ansari
APP for Respondent No.1-State : Mr. S.A. Gaikwad
Advocate for Respondent No.2 : Mr. R.B. Deshmukh

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

Dated : 02nd May 2025

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

1. Heard learned Advocate for both the sides as well as learned APP for the State.

2. This is an application for quashing of the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.455 of 2023, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), arising out of Crime bearing No.0636 of 2023, registered at Udgir Gramin Police Station, Dist. Latur, dated 08.11.2023, for the offences punishable under Sections

498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”)

3. After hearing both the sides, when this Court expressed disinclination to grant any relief to applicant No.1/husband, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant No.1. Therefore, this application is dismissed as withdrawn against applicant No.1.

4. Learned Advocate for the applicants pointed out the report dated 08.11.2023, in which respondent No.2/informant averred that applicant Nos.2 and 3 are her parents-in-law, applicant Nos.4 and 5 are her brothers-in-law and applicant Nos.6 and 7 are her sisters-in-law.

5. The informant further averred in her report that she married with the son of applicant Nos.2 and 3 on 08.01.2015. Her husband was serving in Saudi Arabia in a company. On 07.10.2015, she and her husband went to Saudi Arabia. They begot two children. Her husband used to say to her that because of her, he is getting failure only and he lost that job. For that, he used to taunt her and harass her. She was thinking that she has two children, therefore, she was not making complaint to anybody.

6. The informant further averred in her report that, after some days, her husband's company was closed. Therefore, it was difficult to meet the family needs. Her husband got Rs.5 Lakhs from her father as a handloan. In October 2022, she and her husband came back to Udgir. That time, all the applicants and her husband were taunting her by saying that she is a reason for his failure and because of her, he lost his job. They were saying that you don't do household work properly and were keeping her on starvation. They were beating and abusing her. Her husband used to beat her under the influence of liquor. Her parents convinced her husband, but it went into vein. The informant was being starved frequently.

7. The informant further averred in her report that all the applicants and her husband demanded Rs.20 Lakhs for plotting business. She said that her father's condition is not economically sound to pay that amount. However, she requested her father and he gave Rs.2 Lakhs to her husband. After some days, there was no quarrel, but again her husband and applicants started to demand Rs.20 Lakhs. They said "unless you are bringing that amount, don't come back for cohabitation" and she was expelled along with the children from the house by taking away her gold ornaments. They also threatened to kill her. She filed a complaint to the Women

Grievance Redressal Cell at Udgir. However, the matter could not be compromised. Therefore, she lodged the report.

8. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. General and vague allegations are made against the applicants. Though the specific incidents of cruelty are stated by the informant in the report and by the witnesses in their statements, the fact of cruelty is not establishing from the entire charge-sheet against the applicants. There is no injury certificate for proving the alleged beating. The false allegation of demand of Rs.20 Lakhs is made against the applicants. The essential ingredients of offences punishable under Sections 498-A, 323, 504, 506 of I.P.C. are not establishing against these applicants. If the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. It is lastly 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 her and beating her. They caused physical and mental cruelty and compelled her to reside at her parents house. The

specific incidents of cruelty are stated by the informant in the F.I.R. It is lastly prayed to reject the application.

10. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that the applicants are involved in the crime of treating the informant with cruelty by demanding Rs.20 Lakhs, abusing her and insulting her. The specific incidents are stated by the informant in the report. The names of the applicants are mentioned in the F.I.R. There are statements of witnesses corroborating with the version of the informant. There is a strong evidence against the applicants to proceed further with the trial. Therefore, the application deserves to be rejected as there is a reliable evidence against the applicants to establish the requisites of offences punishable under Sections 498-A, 323, 504, 506 of I.P.C. He prayed to reject the application.

11. In the context of this case, it would be relevant to refer the following authorities :

i) ***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 has laid down the law as follows :-

“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....”

ii) ***CBI vs. Aryan Singh, reported in 2023 SCC Online SC***

379, in which the Hon’ble Supreme Court has held as follows :-

“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.”

iii) ***Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported***

in 2025 SCC Online SC 17, wherein 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.

12. We have perused the charge-sheet, particularly the report and statements of witnesses. The marriage has been performed in the year 2015. The informant cohabited with her husband till January 2022 in the Saudi Arabia. Her husband lost his job and they came to India. Thereafter, he harassed her for Rs.20 Lakhs.

13. It is not disputed that the informant's husband is residing at Royal Colony, Jalkot Road, Udgir, Dist. Latur. Her parents-in-law are residing at Noor Patel Colony, Udgir, Dist. Latur. Applicant No.5 is residing with them. Applicant No.4 is residing at Hindustan Colony, Bidar Road, Udgir, Dist. Latur, Applicant Nos.6 and 7 are residing at Degloor, Dist. Nanded with their husband. It is not clarified as to when all the applicants gathered there and demanded Rs.20 Lakhs to her. There are allegations against the husband of the informant that he demanded Rs.20 Lakhs to her and blamed her for losing his job. However, he has withdrawn his application. General and vague allegations are made against the applicants which are not sustainable

in the eyes of law. From the entire charge-sheet, the essential ingredients of Sections 498-A, 323, 504, 506 read with Section 34 of the I.P.C. are not establishing against the applicants.

14. Considering all the aspects and law laid down in the authorities cited supra, 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 Cr.P.C. to quash the report and charge-sheet in the interest of justice to prevent the abuse of process of Court against applicant Nos.2 to 7. The application deserves to be partly allowed. Hence, the following order is passed.

ORDER

- I) The application is dismissed as withdrawn against applicant No.1.
- II) The application stands allowed to the extent of applicant Nos.2 to 7.
- III) The First Information Report and charge-sheet in R.C.C. No.455 of 2023, arising out of Crime bearing No.0636 of 2023, registered at Udgir Gramin Police Station, Dist. Latur, dated 08.11.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section

34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.2 to 7.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd