



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

CRIMINAL APPLICATION NO. 268 OF 2023

Sanjay S/o Vishnu Aade
Age: 48 years, Occu. RTO Latur,
R/o. Vrundawan Apartment,
Behind Gandharv Hotel, Room No. 106,
Latur, Tq. & Dist. Latur.

... Applicant

Versus

1. The State of Maharashtra,
Through: Investigation Officer,
Police Station Vivekanand Chowk,
Tq. & Dist. Latur

2. Jamuna W/o Ramesh Jadhav
Age: 60 years, Occu. Housewife
R/o. Khatkali Bypass, Hingoli,
Tq. & Dist. Hingoli.

... Respondents

(Resp. No.2 Orig. Complainant)

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Mr. R. S. Deshmukh, Senior Advocate, i/b Ms. Pratibha H. Suryawanshi,
Advocate for Applicants.

Mr. A. D. Wange, APP for Respondent No.1 / State.

Mr. Kuldip S. Kahalekar, Advocate for Respondent No.2.

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AND

CRIMINAL APPLICATION NO. 21 OF 2023

1. Kanchan w/o Sanjay Ade
Age 38 years, Occu. Household
R/o C/o Rameshrao Jadhav,
Plot No.4, Near Rani Sati Temple,

Ganga Nagar, Hingoli,
Taluka and District Hingoli.

2. Jamunabai Rameshrao Jadhav,
Age 62 years, Occu. Household,
R/o as above.
3. Seema w/o Balaji Rathod
Age 40 years, Occu. Household,
R/o Ratnai Niwas, Behind Hanuman Temple,
Hanuman Gad, Nanded,
Tq. And Dist. Nanded
4. Balaji s/o Poma Rathod,
Age 52 years, Occu. Business,
R/o as above.
5. Pooja w/o Suresh Chavan,
Age 34 years, Occu. Household,
R/o 13-1-55/E/62, Awanti Nagar,
Moti Nagar, Bala Nagar,
District Ranga Reddy – 500 018
(Andhra Pradesh)
6. Suresh s/o Ramesh Chavan
Age 40 years, Occu. Business,
R/o as above.
7. Rajkumar s/o Rameshrao Jadhav,
Age 36 years, Occu. Advocate,
R/o Namaskar Chowk,
Opp. City Pride Hotel,
Nanded, Tq. & Dist. Nanded.

... Applicants
(Org. Accused)

Versus

1. The State of Maharashtra,
Through the Police Inspector,
Vivekanand Police Station, Latur.
2. Sanjay Vishnu Ade,
Age 45 years, Occu. Service,

R/o Room No.106, Vrundawan Apartment,
Behind Gandharva Hotel,
Latur, Tq. & Dist. Latur.

Office Address:
R.T.O. Office, Latur.

... Respondents
(No.2 Orig. Complainant)

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Mr. Kuldip S. Kahalekar, Advocates for Applicants.

Mr. A. D. Wange, APP for Respondent No.1 / State.

Mr. R. S. Deshmukh, Senior Advocate, i/b Ms. Pratibha H. Suryawanshi,
Advocate for Respondent No.2.

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

DATE : 30th April, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 These are applications for quashment of the counter reports and the proceedings.

3 Criminal Application No.268 of 2023 is filed for quashing of the FIR bearing C.R. No.666 of 2022, registered with Vivekanand Chowk Police Station, District Latur, for the offences punishable under Sections 354, 324, 294, 504 and 506 of the Indian Penal Code, 1860

(for short “the IPC”) as well as the proceedings in R.C.C. No.341 of 2023, pending in the Court of learned Judicial Magistrate First Class, Taluka and District Latur.

4 Criminal Application No.21 of 2023 is filed for quashing of the FIR bearing C.R. No.555 of 2022, registered with Vivekanand Chowk Police Station, Latur, for the offences punishable under Sections 143, 147, 323, 332, 353, 504, 506 of the IPC as well as the proceedings in R.C.C. No.1983 of 2022, pending in the Court of learned Chief Judicial Magistrate, Latur.

5 In Criminal Application No.268 of 2023, the applicant is the son-in-law of the informant. The informant / respondent No.2 averred in the report that she is mother-in-law of the applicant. Her daughter – Kanchan is the wife of the applicant. The informant further stated that her daughter – Kanchan was residing with her in-laws at Amravati. There, she was not properly treated by her mother-in-law. Therefore, she decided to reside with the applicant at Latur. The applicant is serving at RTO Office, at Latur. He was not allowing his wife and children to stay with him. He insisted Kanchan to sign on a blank bond paper. When her daughter – Kanchan refused to do so, the applicant stopped to go there. Kanchan’s in-laws were not providing food and water to her. The informant stated that her granddaughter had been

unwell for the past four months. Her daughter – Kanchan requested financial help from her mother-in-law for the daughter's medical treatment. Her mother-in-law refused the same and stated that she would neither bring any items for the house nor provide any money. Her mother-in-law instructed her to ask the applicant for money. Therefore, the informant's daughter decided to go to Latur along with her two children to meet the applicant. On 6th August, 2022, Kanchan made phone call to the informant and told her that she was leaving for Latur. At that time, the informant said to Kanchan to not to go there alone. She will come with her. The informant alongwith Kanchan and grandchildren went to Latur. They went to applicant's residence located at Vrundawan Apartment, Room No.106, behind Gandharva Hotel. Upon reaching, they found the house was locked and the applicant had gone somewhere. Several locals tried contacting the applicant on his mobile phone, but his mobile phone was switched off. The informant and her daughter took shelter at a nearby acquaintance's house, who resided opposite the applicant's residence.

6 The informant further averred that on 8th August 2022, at around 08:55 am, the applicant returned home. At that time, the informant's daughter alongwith her two children approached the applicant's residence and rang the doorbell. When the applicant opened the door, he immediately began abusing her in filthy language

and asked why she had come there. He then physically assaulted her by kicks and fists blows. Kanchan made hue and cry. Upon hearing the same, the informant and several local men and women gathered. The informant came out and saw the applicant assaulting her daughter. When she intervened and requested him to speak calmly and allow the children inside the house, the applicant manhandled her as well. He physically assaulted the informant by grabbing her, pushing her and tearing her blouse. He also abused her in filthy language. Thereafter, he broke down the informant's *Mangalsutra* and expelled her, her daughter and two grandchildren out of the house and threatened them by saying that if they dared to enter the house again, he would kill them. Therefore, she lodged the report against the applicant.

7 In Criminal Application No.21 of 2023, applicant No.1 is the wife of informant / respondent No.2. Applicant No.2 is the mother-in-law of the informant. Applicant Nos.3 and 5 are the sisters-in-law of the informant. Applicant Nos.4 and 6 are the husbands of applicant Nos.3 and 5, respectively. Applicant No.7 is the brother-in-law of the informant.

8 It is averred in the report by respondent No.2 / informant that on 13th September, 2022, at around 10:00 a.m., the informant

reported for duty in uniform at the RTO Office, Latur, and was carrying out official work. At around 12:00 noon, all the applicants came together to the fitness track of the R.T.O. office where the informant was performing his duty. All the applicants confronted the informant, asking why he had abandoned them and hidden himself there, and why he was not returning home. They started to abuse him. They said that they would eliminate him on the spot. The informant requested them not to speak to him in such a manner, as he was on duty at the time, and tried to convince them. However, the applicants caught hold him and started to assault him. They caught hold his shirt and torn it. They beat him. After hearing the quarrel, the officers from the RTO Office namely Vijay Bhoje, Manmath Kudale, Sunil Khandagale and Manoj Lonari came there and intervened the quarrel. At that time, the applicants threatened the informant that they will get him dismissed from his job and kill him. Subsequently, the informant went to the police station and underwent a medical examination. Thereafter, he lodged the report.

9 The learned senior counsel for the applicant in Criminal Application No.268 of 2023 submits that the applicant is falsely implicated in the crime with a view to harass. There are general and vague allegations against him. There is no cogent and acceptable evidence against the applicant. He lastly prayed to allow the

application by quashing the report and the proceedings.

10 The learned counsel for the applicants in Criminal Application No.21 of 2023 also submits that the applicants are falsely implicated in the crime. There are general and vague allegations against them. There is no cogent and acceptable evidence against the applicant. He lastly prayed to allow the application by quashing the report and the proceedings.

11 The learned APP for the State as well as the learned Advocates for the informant strongly opposed both the applications and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. Both the sides have lodged the FIR against each other. Considering the gravity of the allegations and the role attributed to each applicant, the learned APP lastly prayed to reject both 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 in Criminal Application No.268 of 2023. From the perusal of the report, it is establishing that the

applicant has abused the informant in filthy language. He threatened to kill the informant. He torn her blouse. All these acts establish the essential ingredients of Sections 354, 324, 294, 504 and 506 of the IPC. There is a *prima-facie* strong evidence against the applicant. In such facts and circumstances, there is no justification for quashing the report and the proceedings against the applicant who is R.T.O. officer.

15 We have perused the charge-sheet, particularly, the report and the statements of witnesses in Criminal Application No.21 of 2023. The witnesses have supported to the informant. The incident took place in the R.T.O. office. Medical certificate of the informant shows that he sustained three injuries i.e. blunt trauma over left side of upper back, blunt trauma over chest and blunt trauma over left temporal region of head. The overt acts of the applicants, resulting into injury to the informant, is a strong evidence against the applicants. Having regard to the nature of allegations and the stage of investigation, we are of the view that this is not a fit case for exercising of inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.").

16 Considering the facts and circumstances of both the cases and reasons discussed above, we are of the view that no case is made

out for exercising powers under Section 482 of the Cr.P.C. for quashing of the FIRs and the proceedings by all the applicants. Both the FIRs contain specific allegations against the applicants and disclose cognizable offences. The matters require thorough investigation and appreciation of evidence, which can only be done during trial. Therefore, invocation of jurisdiction under Section 482 of the Cr.P.C., at this stage, is not warranted. Both the applications deserve to be rejected. Hence, both the applications stand rejected.

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