



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

CRIMINAL APPLICATION NO. 277 OF 2023

1. Meera W/o. Jayram Kale
 2. Rajshri @ Monu W/o. Santosh Ranmode
 3. Ayodhya W/o. Shivaji Mangade
 4. Mahesh S/o. Jayram Kale
- Applicants**

VERSUS

1. The State of Maharashtra
 2. Ashwini W/o. Rajesh Kale
- Respondents**

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Advocate for Applicants : Mr. Bharat G. Londhe
APP for Respondent No.1-State : Mr. V.K. Kotecha
Advocate for Respondent No.2 : Mr. A.D. Raut

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

Dated : 26th February 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.02 of 2023, pending before the learned Judicial Magistrate First Class, Ghansawangi, Dist. Jalna, arising out of Crime bearing No.0419 of 2022, registered with Ghansawangi Police Station, Dist. Jalna on 25.11.2022, for the offences punishable under Sections

354, 498-A, 324, 323, 344, 506 of the Indian Penal Code (for short “the IPC”).

2. After hearing both the sides, when this Court expressed disinclination to grant any relief to applicant No.1/mother-in-law and applicant No.4/brother-in-law, learned Advocate for the applicants sought withdrawal of the application to the extent of these applicants. Therefore, the present application is dismissed as withdrawn against applicant Nos.1 and 4.

3. Learned Advocate for the applicants pointed out the report dated 25.11.2022, in which respondent No.2/informant averred that her marriage was performed before six months with the son of applicant No.1, who is her mother-in-law. Applicant Nos.2 and 3 are married sister-in-laws and applicant No.4 is brother-in-law of the informant.

4. Respondent No.2/informant further averred that, after marriage, for about three months, she was treated well. When she was alone in the house, her father-in-law used to touch her body inappropriately with an intention to get close to her. She could not disclose that fact to her husband because of the pressure and since

she was recently married. When she was having stomach ache during menstrual periods, her husband directed her to go with the father-in-law to the hospital and accordingly, she went with him to the hospital. While coming back from the hospital on a motorcycle, they met with an accident and she suffered injuries to her head and hand. She was treated in Sanjeevani Hospital at Jalna. Thereafter, she was taken to her parents house.

5. The informant further averred that, father-in-law spread a false news amongst the relatives that she was pregnant before the marriage. After staying there for two months with her parents, she went for co-habitation at her matrimonial house i.e. at Karadgaonwadi, Tq. Ghansawangi, Dist. Jalna. Thereafter, her husband, applicant No.2/mother-in-law and applicant No.3/sister-in-law started to beat her by doubting on her character and expelled her from the house. The informant was locked in a bedroom of the house for about one month by her husband and father-in-law and that time, one Srimant Kale, elder brother-in-law Umesh Kale and brother of applicant No.1 Rameshwar Jadhav helped them. She was frequently requesting to have a talk with her father on mobile phone, but she was not allowed to do so. Both the applicants/sister-in-laws used to harass her by saying to leave that house. Applicant No.4/brother-in-

law, who is a doctor, was threatening her to administer an injection and make her unconscious. The father-in-law assaulted her by knife.

6. Respondent No.2/informant further averred that the applicants were confined her in a room. The room was locked. She prayed for her release and assured to the applicants that she will not make a complaint against anybody. She prayed to her father-in-law to allow her to go to her parents house, but she was not allowed and he inflicted knife blow on her left hand and pressed her mouth. Thereafter, on 23.11.2022, she was released on a condition that she has to give statement as per their say. They threatened her that they will continue such harassment if she does not give such statement. Therefore, she lodged a report against the applicants and others.

7. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. False allegations are made against the husband and father-in-law of the informant. Applicant Nos.2 and 3 are married sister-in-laws of the informant and they are residing with their husband at different places i.e. Ranjaniwadi, Tq. Ghansawangi, Dist. Jalna and Ranjangaon, Tq. Badnapur, Dist. Jalna, respectively. No specific incident is stated with exact date or period as to when the applicants treated her with cruelty particularly illegal confinement.

8. Learned Advocate for the applicants further submitted that the false allegations of assault by knife and outraging modesty of the informant are made against the father-in-law of the informant. As far as the allegations of doubting on the informant's character and restraining and confining her are concerned, those are made particularly against the husband and father-in-law of the informant and not against these applicants. The allegation of threatening to administer injection in order to make her unconscious is made against applicant No.4 Mahesh, who is a student of a medical college and not against applicant Nos.2 and 3. The said allegation is also not specific. He submitted to allow the application of applicant Nos.2 and 3, by quashing the report and charge-sheet.

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 her with cruelty by doubting on her character, assaulting her by knife, outraging her modesty, etc. and caused physical and mental cruelty and compelled her to live at parents house. There is strong evidence of cruelty against applicant Nos.2 and 3. It is lastly prayed to reject the application.

10. Learned Advocate Mr. A.D. Raut for respondent No.2/informant also strongly opposed the application and submitted that the applicants are involved in the serious crime. They have treated the informant with cruelty by doubting on her character, confining and restraining her, assaulting her by knife and outraging her modesty. The specific incidents are stated by the informant in the report. There are statements of witnesses corroborating with the version of the informant. Names of the applicants are mentioned in the report. There is a strong evidence against the applicants to proceed further with the trial. In such a fact situation, the application deserves to be rejected as there is a reliable evidence against the applicants. He prayed to reject the application.

11. In the contextual situation, it is also relevant to refer to 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....”

12. 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.”

13. We have perused the report and charge-sheet. On perusal of the F.I.R. and statements of witnesses, who are parents and relatives of the informant, we found that omnibus and vague allegations are made against applicant Nos.2 and 3, who are sister-in-laws of the informant, without mentioning any specific incident with

specific date and time that they treated her with cruelty. Applicant Nos.2 and 3 are residing with their husbands at their marital houses. The informant has nowhere stated in the report as to when respondent Nos.2 and 3 came and threatened her to leave her matrimonial home by doubting on her character and thereby, they treated her with cruelty. No specific date or time is mentioned in the report in this regard. Therefore, we find no substance in the allegations made against applicant Nos.2 and 3 that they treated the informant with cruelty as alleged and she was driven out from the matrimonial home and was compelled to live with her parents.

14. The essential ingredients of Sections 354, 498-A, 324, 323, 344, 506 of I.P.C. are not establishing against applicant Nos.2 and 3, from the report and statements of the witnesses in the charge-sheet.

15. In case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported in 2025 SCC Online SC 17**, the Hon'ble Supreme Court, in paras 9 and 11 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.

11. In the contextual situation, it is also relevant to refer to the decision of this Court in **Mohammad Wajid and Another v. State of U.P. and Anr.**, whereunder this Court, in so far as it is relevant, 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 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 materials collected in the course of investigation.....”

16. Thus, after considering the entire matter before this Court and law laid down in above cited cases, facts and circumstances and reasons stated above, if these applicants are compelled to face the trial, it would certainly be an abuse of process of court. We are, therefore, inclined to allow the application by exercising our inherent powers under Section 482 of Cr.P.C. to prevent the abuse of process of the Court, for quashing the report and charge-sheet filed against

applicant Nos.2 and 3, as prayed. The application deserves to be allowed. Hence, the following order.

ORDER

- I) The Application is dismissed as withdrawn as against applicant Nos.1 and 4.
- II) The application stands allowed to the extent of applicant Nos.2 and 3, as follows :-

The First Information Report and charge-sheet in R.C.C. No.02 of 2023, pending before the learned Judicial Magistrate First Class, Ghansawangi, Dist. Jalna, arising out of Crime bearing No.0419 of 2022, registered with Ghansawangi Police Station, Dist. Jalna on 25.11.2022, for the offences punishable under Sections Sections 354, 498-A, 324, 323, 344, 506 of the Indian Penal Code, 1872 stands quashed and set aside as against applicant No.2 Rajshri @ Monu W/o. Santosh Ranmode and No.3 Ayodhya W/o. Shivaji Mangade.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE