



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

CRIMINAL APPLICATION NO. 130 OF 2021

1. Sanjay S/o. Parshuram Chavan,
Age : 38 Years, Occu. : Private Job,
R/o. House No.41 11/11,
Sambhaji Chowk, CIDCO,
Nanded.
2. Savita W/o. Parshuram Chavan,
Age : 62 Years, Occu. : Housewife,
R/o. House No.41 11/11,
Sambhaji Chowk, CIDCO,
Nanded.
3. Parshuram S/o. Kishan Chavan,
Age : 68 Years, Occu. : Nil,
R/o. House No.41 11/11,
Sambhaji Chowk, CIDCO,
Nanded.
4. Shrikrishna S/o. Parshuram Chavan,
Age : 34 Years, Occu. : Private Service,
R/o. House No.41 11/11,
Sambhaji Chowk, CIDCO,
Nanded.
5. Jyoti W/o. Shrikrishna Chavan,
Age : 26 Years, Occu. : Household,
R/o. House No.41 11/11,
Sambhaji Chowk, CIDCO,
Nanded.
6. Sangeeta W/o. Dwarkadas Rathod,
Age : 42 Years, Occu. : Household,
R/o. Near Srinivas Hospital,
Canol Road, Nanded.
7. Dwarkadas S/o. Vishwanath Rathod,
Age : 43 Years, Occu. : Service,

- R/o. Near Srinivas Hospital,
Canol Road, Nanded.
8. Bhimrao S/o. Motiram (Premsingh) Rathod,
Age : 57 Years, Occu. : Service,
R/o. Bhavsar Chowk,
Nanded.
9. Shivkanya W/o. Bhimrao Rathod,
Age : 50 Years, Occu. : Household,
R/o. Bhavsar Chowk,
Nanded.
10. Sharayu W/o. Sachin Chavan,
Age : 28 Years, Occu. : Household,
R/o. Bhavsar Chowk,
Nanded.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Incharge Police Station Officer,
Kalamnuri Police Station,
Dist. Hingoli.
2. Madhurshri W/o. Sanjay Chavhan,
Age : 34 Years, Occu. : Nil,
R/o. Sai Nagar, Kalamnuri,
Tq. Kalamnuri, Dist. Hingoli.

.... Respondents

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Advocate for Applicants : Ms. Priyanka A. Deshpande h/f Mr. Chetan
B. Chaudhary

APP for Respondent No.1-State : Mrs. P.R. Bharaswadkar

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

Dated : 01st August 2025

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

1. Heard learned Advocate for the applicants as well as learned APP for the State.

2. This is an application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “the Cr.P.C.”), for quashing the proceedings in R.C.C. No.406 of 2020, pending before the learned Judicial Magistrate First Class, Kalamnuri, Dist. Hingoli, arising out of Crime bearing No.0406 of 2020, registered with Kalamnuri Police Station, Dist. Hingoli, dated 17.12.2020, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as “the IPC”).

3. By order dated 20.01.2021, the present application has been dismissed against applicant Nos.1 to 5, for the reasons stated in the order itself.

4. Learned Advocate for the applicants pointed out the report dated 17.12.2020, in which respondent No.2/informant

averred that applicant No.6 is her sister-in-law, applicant No.7 is the husband of applicant No.6, applicant No.8 is uncle of her husband, applicant No.9 is the wife of applicant No.8 and applicant No.10 is a cousin sister of her husband.

5. The informant further averred in her report that her marriage was performed with the brother of applicant No.6 on 11.06.2015. In her marriage, dowry of Rs.7 Lakhs, ornaments, utensils and other household articles were given. Her father incurred total Rs.20 Lakhs for her marriage. Thereafter, she went to CIDCO Nanded to cohabit with her husband. There, her husband, mother-in-law, father-in-law, brother-in-law and his wife were residing under one roof. Initially, she was treated well for six months. Thereafter, they started to demand her to bring Rs.2 Lakhs from her parents. For that, they started to harass her physically and mentally.

6. The informant further averred in her report that, on the count of Rs.2 Lakhs, her husband used to quarrel with her. He was throwing his meal dish that informant was serving to him. He was doubting her character. He was saying to her that he don't like her, his parents forcibly convinced him to marry her, he wanted to marry his maternal uncle's daughter i.e. applicant No.10 and give him

divorce. Under the influence of liquor, he used to beat her. Her father-in-law and mother-in-law were quarreling with her for trivial reasons. They were instigating her husband and upon that, he used to beat her.

7. The informant further averred in her report that she came for delivery at her parents house at Kalamnuri. On 30.12.2017, she delivered a son viz. Advik @ Rajvir. The applicants did not even turn up to see her son. On 21.08.2020, her father and brother went to drop her at Nanded. At that time also, they demanded Rs.2 Lakhs for starting a hospital. They threatened her and her father that until and unless she brings that amount, don't show her face to them. They abused her and her father and drove them out of the house. Since then, she is residing with her parents.

8. The informant further averred in her report that, on 28.01.2020, some relatives i.e. Bhaurao Rathod, Geeta Rathod, Khushal Jadhav and other reputable persons were called for compromise, but it went into vain. Thereafter, 11.02.2020, applicant Nos.6 to 10 filed divorce proceeding by deceiving her and obtaining her signature. Thereafter, when she realized that she has been cheated, she took back that proceeding. On 24.02.2020, her husband

came to her parents home and abused her and her parents. Her mother lodged a complaint about the said incident to police station. All the applicants and other co-accused were threatening her, ill-treating her and demanding Rs.20 Lakhs. Therefore, she lodged the report.

9. Learned Advocate for the applicants submitted that applicant Nos.6 to 10 are falsely implicated in the crime. General and vague allegations are made against them. Although 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 established from the entire charge-sheet against these applicants. No such medical certificate is produced on record to prove the alleged beating. False allegations of cruelty are made against these applicants. The essential ingredients of offences punishable under Sections 498-A, 323, 504 and 506 of the I.P.C. are not established against these applicants. If they are compelled to face the trial, it would certainly be an abuse of the process of the Court. It is lastly prayed that the application may kindly be allowed.

10. Learned APP for the State strongly opposed the application and submitted that there is strong evidence of cruelty

against applicant Nos.6 to 10. Their names are mentioned in the F.I.R. These applicants treated the informant with cruelty by demanding an amount of Rs.2 Lakhs, for starting a hospital and caused her physical and mental cruelty. They compelled her to reside at her parents house. It is lastly prayed to reject the application.

11. Here, it would be relevant to refer the authority in the case of *Disha Kapoor Vs. State of Uttar Pradesh and others*, reported in, *2025 SCC OnLine SC 1070*, in which the Honourable Supreme Court in paragraph No.2 held as under:-

"2. The learned Single Judge, before whom the petitioner appeared in person, quashed the proceedings initiated relying on *Preeti Gupta v. State of Jharkhand* which noted with anguish the rapidly increasing matrimonial litigations in the country roping in the close relatives of the husband and even members of the extended family, as in this case, on allegations of harassment. This requires the Courts to be doubly cautious and extremely careful in dealing with such complaints, especially since the ultimate object of justice is to find out the truth and not only to punish the guilty but also to protect the innocent. It was also emphasised that in the event of the proceedings being found to be an abuse of process of Court, then necessarily the power under Section 482, Cr.P.C. should be invoked to secure the ends of justice."

12. We have perused the charge-sheet, particularly, the report and statements of witnesses.

13. It is not the case of the informant that applicant Nos.6 to 10 voluntarily caused injury to the informant. There is no material to show that applicant Nos.6 to 10 intentionally insulted her with intent to provoke breach of peace and caused criminal intimidation to the informant.

14. On perusal of statements of witnesses, it appears that general and vague allegations are made against applicant Nos.6 to 10, without specifying their particular role and the particular time with particular date of the incident of causing harassment to her by demanding Rs.2 Lakhs. There are serious allegations of demand and harassment against other co-accused, against whom the application is already dismissed.

15. To establish cruelty as contemplated under Section 498-A of the IPC, it is necessary to establish its essential ingredients as stated in it that there was a demand for money or dowry, or cruelty that

drives the woman to commit suicide or to cause grave injury or danger to her life, or mental or physical health. There is no such material on record to show the overt act of applicant Nos.6 to 10 to establish cruelty caused by them. The essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC are not established against them.

16. Considering the facts of the case, law laid down in the authorities and reasons, we are 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 the process of the Court against applicant Nos.6 to 10. The application deserves to be partly allowed. Hence, the following order.

ORDER

- I) The application is partly allowed.
- II) The application of applicant Nos.1 to 5 is dismissed by order dated 20.01.2021.
- III) The proceedings in R.C.C. No.406 of 2020, pending before the learned Judicial Magistrate First Class, Kalamnuri, Dist. Hingoli, arising out of Crime bearing No.0406 of 2020, registered with Kalamnuri Police Station, Dist. Hingoli, dated 17.12.2020, for the

offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, stands quashed against applicant Nos.6 to 10 only.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd