



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

CRIMINAL APPLICATION NO. 236 OF 2024

- 1) Sagar S/o. Purushottam Pariskar,
Age 35 Years, Occu. Service,
R/o. B.S.N.L. Quarter No. B-5/3,
Bhraman Building,
Akola, Tq. & Dist. Akola
- 2) Laxmi W/o. Purushottam Pariskar,
Age 69 Years, Occu. Household,
- 3) Purushottam S/o. Rambhau Pariskar,
Age 84 Years, Occu. Nil,
Both R/o. Mannas Pimpri,
Tq. Sengaon Dist. Hingoli
- 4) Sadanand S/o. Purushottam Pariskar,
Age 32 Years, Occu. Service,
R/o. S.R.P.F. Camp Group No.12, Hingoli
Kaveri 4/24, Government Quarter,
SRPF Campus, Khatkali Bypass,
Hingoli Tq. & Dist. Hingoli.

... Applicants

Versus

- 1) The State of Maharashtra,
Through Superintendent of Police,
Parbhani.
- 2) The Investigation Officer,
Police Station, Mondha, Parbhani
Tq. & Dist. Parbhani.
- 3) Gayatri W/o. Sagar Pariskar
Age: 26 years, Occu: Household,
R/o.C/o. Professor Janardhan Khadase,
(Retired Teacher), Ekta Nagar,
Behind Shivalay Building,
Risod, Tq. Risod Dist. Washim
Tq. & Dist. Hingoli.

... Respondents

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Mr. Dhananjay M. Shinde, Advocate for Applicants.

Mr. A. D. Wange, APP for Respondent Nos.1 & 2.

Mr. Nitin U. Telgaonkar, Advocate for Respondent No.3.

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

DATE : 02nd April, 2025.

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

1 Heard the learned advocates for the respective parties.

2 This is an application under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing of the proceedings in R.C.C. No.150 of 2024 and Charge-Sheet No.389 of 2023, pending in the Court of learned Chief Judicial Magistrate Parbhani, District Parbhani, arising out of F.I.R. bearing C.R. No.461 of 2023, registered with Mondha Police Station, Parbhani, Taluka and District Parbhani, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short "the IPC").

3 When this Court expressed disinclination to grant any relief to applicant No.1, the learned counsel for the applicants, on

instructions, seeks leave to withdraw the application of applicant No.1.
Leave granted.

4 Applicant No.2 and 3 are the parents-in-law of the informant. Applicant No.4 is the brother-in-law of the informant / respondent No.3.

5 The informant / respondent No.2 averred in the report that she married with the son of applicant Nos.2 and 3 on 25th April, 2015. The husband of the informant was serving in the Railway Post Office as Sorting Officer at Akola. After the marriage, the informant stayed for some days in the village Mannas Pimpri, Taluka Sengaoon, District Hingoli. Thereafter, she went to reside with her husband at BSNL Quarter, Karshi Nagar, at Akola. She begotten a daughter Tanvi (Ishwari), who is now six years old. Her in-laws come to visit her frequently at Akola. After the marriage, she was treated well for about one year. After that, her husband started to say to her that *“your parents didn’t give any useful household articles at the time of marriage; I don’t like you”*. He started to harass her from 25th April, 2016. The informant’s in-laws used to say to her that *“your parents had not given any household articles in the marriage. Why are you not bringing those ?”* They were saying that her parents had not given household articles and therefore, they do not like her. They were

abusing and mentally harassing her. They were instigating her husband to give divorce to her. They were saying to leave the informant to her parent's house. Her husband used to slap her. The informant told the said fact of ill-treatment to her parents. Her parents were saying that they are busy in the treatment of their son Amol Pund, who has undergone kidney surgery. Therefore, the informant has to bear that ill-treatment.

6 The informant lastly averred that on 22nd September, 2023, the applicants and her husband again said to her that *"your father had not given household articles in the marriage and we do not like you"*. They beaten her. While expelling her from the house, her husband slapped her and threatened her by saying, *"If you come back here, I will not take you in the house"*. He left the informant in her parents house. Therefore, she lodged the report on 20th November, 2023.

7 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. There is no cogent and acceptable evidence against the applicants. There is no specific incident that applicant Nos.2 to 4 caused cruelty to the informant to constitute the offence of cruelty as per Section 498-A and other sections of IPC. Applicant Nos.2 and 3 are residing at Mannas Pimpri, Taluka Sengaoon, District Hingoli and applicant No.4 is serving in the

S.R.P.F. He is residing in the Quarter of SRPF Campus, Khatkali Bypass, Hingoli, Taluka and District Hingoli. Vague and omnibus allegations are made against applicant Nos.2 to 4, which are not sustainable. He lastly prayed to allow the application.

8 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 committed anti-social crime and treated the informant with cruelty. She lastly prayed to reject the application.

9 The learned counsel for the informant / respondent No.3 also strongly opposed the application and submitted that the names of the applicants are mentioned in the report. They treated informant with cruelty. He lastly prayed to reject the application.

10 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....”

11 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 that 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.”

12 We have perused the report and the charge-sheet, particularly, the statements of witnesses. The witnesses have mostly stated similar facts to that of the report lodged by the informant. The application of applicant No.1 is withdrawn. Applicant Nos.2 to 4 were

residing at Hingoli at the time of alleged incident of cruelty. There is no specific incident on which each of the applicants treated the informant with cruelty. General, vague and omnibus allegations are made against applicant Nos.2 to 4 that they treated the informant with cruelty. From the statements of witnesses and the report, the offence punishable under Section 498-A of the IPC constituting cruelty is not establishing.

13 If all these aspects are considered together with the above reasons, we are of the view that if the applicants are compelled to face the trial, it would certainly be an abuse of the process of Court. We are therefore, inclined to allow the application to the extent of applicant Nos.2 to 4 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 the Court. The application is, therefore deserves to be partly allowed in respect of applicant Nos.2 to 4. Hence, the following order:-

ORDER

- I. The application of applicant No.1 stands dismissed as withdrawn.
- II. The proceedings in R.C.C. No.150 of 2024 and Charge-Sheet No.389 of 2023, pending in the Court of learned Chief Judicial Magistrate Parbhani, District Parbhani, arising out of F.I.R. bearing C.R. No.461 of

2023, registered with Mondha Police Station, Parbhani, Taluka and District Parbhani, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed and set aside to the extent of applicant Nos.2 to 4 only.

III. The application stands disposed of.

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

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