



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 308 OF 2024

1. Raghunath Narayan Ghodke Patil
Age 77 years, Occ. Nil
2. Suman Raghunath Ghodke Patil
Age 72 years, Occ. Household
3. Prashant s/o Raghunath Ghodke Patil
Age 47 years, Occ. Doctor

All R/o. Opp. Nisarg Hotel,
Pundlik Nagar, N-4, Cidco
Aurangabad

...Applicants

Versus

1. The State of Maharashtra
Through Police Inspector
Shivaji Nagar Police Station
district Latur
2. Dr. Archana Prashant Ghodke Patil,
Age 44 years, Occ. Doctor
R/o. Plot No. 20-A, 23/24,
Opp. Nisarg Hotel, Pundlik Nagar,
N-4, Cidco, Aurangabad

...Respondents

.....
Mr. P.D. Bachate, Advocate for the applicants
Mr. G.A. Kulkarni, A.P.P. for the respondent No.1
Ms. Shubhangi More, Advocate for respondent No.2.

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

DATED : 11th JULY, 2025

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing the F.I.R. No. 363 of 2022 registered with Shivaji Nagar police station, district Latur and the consequential criminal proceedings bearing R.C.C. No. 530 of 2023 pending before the learned Judicial Magistrate First Class, Latur for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.").
3. The informant averred in the report that applicant No. 1 and 2 are her parents-in-laws whereas applicant No.3 is her husband.
4. The informant further averred that her marriage was solemnized with applicant No.3 on 19.12.2004. At the time of marriage, 31 Tolas of gold ornaments, household articles and an amount of Rs.21,000/- for clothes of applicant No.3, were given. The total expenses of the marriage were incurred by the parents of the informant.

5. The informant further averred that initially for about 8 to 10 days, she was treated well. Thereafter, applicant Nos. 1 and 2 directed her to do all household chores. Her husband secured a job as a Medical Officer in the month of January 2005. Thereafter, she started to reside with her parents-in-law. The informant was performing all household work as per the directions of applicant Nos. 1 and 2. In the month of February, 2005, she requested applicant Nos. 1 and 2 that she wanted to complete her post graduation and she was sent for it at Aurangabad. At that time, her husband was residing in boys hostel and she was residing in girls hostel. After her repeated requests, they both started to reside together in a room in Aurangabad. Her parents- in-law did not allow her to conceive a child until she completed her education and secured a stable career.

6. The informant further averred that her husband applicant No.3 used to abuse her and say that he was not willing to marry with her and he had performed marriage because of her education and money of her parents. She mentioned that her parents have incurred the expenses of her education at Hyderabad and Aurangabad. During the course of taking education, the remuneration which she was receiving, was taken away by her husband. Whenever she wanted to purchase any article, then she had to take permission from her husband. If she purchased any article without permission of her

husband, he used to abuse and beat her. When she requested not to beat her, all applicants demanded Rs.21,00,000/- for purchase of a plot. They started to abuse and beat her on that count. When she informed about the same to her father, her father gave Rs.20,00,000/- to the applicants from his bank account. After giving that amount, she was treated well for some days. Thereafter, her husband obtained a loan jointly in her and his name. The informant alone is repaying the installments of the said loan amount. Thereafter, another loan was obtained for construction purpose and the informant is making repayment of the said loan also. Her entire bank transactions are handled by her husband. Even her ATM card is kept by him with himself. Once, the informant purchased a footwear of Rs.500/-, at that time, her husband questioned her as to why she spent the amount of Rs.500/- for it. For that, she was beaten by her husband for entire night. The informant was bearing the cruelty caused by the applicants because of ill health of her father as well as his reputation in the society. The informant further averred that in the month of August, 2016, her father died. Thereafter, her husband expected that his entire property should be given to him and therefore, he started to harass her.

7. The informant further averred that her husband demanded Rs.50,00,000/- for starting a new hospital. Therefore, the informant

lodged the report against him at Jalna police station on 27.12.2021. The informant further averred that on 17.02.2022 at about 10.00 a.m. her husband beat her and threatened that if she does not fetch the amount, he will not allow her to cohabit with him. He abused her and driven her out of the house. On the same day i.e. on 17.02.2022 the husband of the informant came at International Hospital, Aurangabad at about 12.30 p.m when she was treating some patient there. He questioned her why she is checking the patients instead of going to Latur to fetch that amount. He abused and insulted her. Therefore, she went to her parents house.

8. The informant further averred that on 20.02.2022 at about 10.00 a.m. the applicants came to her parents house. They started to abuse her mother and demanded the amount and threatened that if she does not pay the amount of Rs.50,00,000/- they will not allow the informant to visit her children. He abused her. He threatened her that if she is not having money, she should not come to Aurangabad. He also threatened her against continuing her work at Aurangabad. Thereafter also frequently the applicants made phone call to her mother and herself and threatened to kill them. Thereafter, she lodged the report on 22.08.2022.

9. Learned advocate for the applicants submitted that vague

and baseless allegations are made against the applicants, without quoting the specific role of each of the applicants. The date and time of allegation of demand of amount of Rs.50,00,000/- for starting new hospital is also not specifically mentioned in the report. All allegations are vague and general in nature. There is a delay in lodging the report. From the charge sheet, it appears that all the witnesses whose statements are recorded are from the parental side of the informant. The said statements of the witnesses cannot prove that the harassment and cruelty has been caused to the informant. He further submits that the applicants have been implicated in the crime without any basis. Therefore, he prayed to quash the report as well as the consequential proceedings.

10. Learned A.P.P. for respondent No.1 State strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. There was a demand of Rs.50,00,000/- on the part of all applicants for starting new hospital and on account of non fulfillment of the said demand, the applicants have treated the informant with cruelty and have abused and beaten her. The applicants have caused harassment to the informant mentally as well as physically. The names of the applicants are mentioned in the report with specific roles attributed to each of the applicants. They cannot be exonerated from the criminal

liability under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

11. It would be relevant to refer to the judgment of the Hon'ble Supreme court in the case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors.**, reported in **2025 SCC Online SC 17**, in which 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.....”

12. We have perused the charge sheet, particularly the report and the statements of the witnesses. The witnesses have stated same facts as stated by the informant in her report. The informant has not stated the age of her children and their statements have not been recorded to establish the alleged cruelty. No injury certificate has been filed on record though it is asserted in the report that she had lodged the report against her husband on 27.12.2021 with the police station at Jalna. The outcome of that complaint remains unclarified by the informant. The report shows that she was allowed to continue her education of post graduation. As far as the allegations of transferring an amount of Rs.20,00,000/- by the father of the informant in the name of husband of the informant i.e. applicant No.3 is concerned, there is no such documentary material of bank transaction on record. The report is not lodged immediately after the alleged incident of cruelty. The vague and general allegations of cruelty are made against the applicants without having any supportive material. Therefore, allegations of cruelty are improbable and hence not sufficient to establish the essential ingredients of Section 498-A, 323, 504, 506 r.w. 34 of the I.P.C. Therefore,

compelling the applicants to face the trial, would be an abuse of process of the court. The case is made out for exercise of our extraordinary powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice to prevent the abuse of process of the Court. Hence, the following order:-

O R D E R

- I. The application stands allowed.
- II. The F.I.R. No. 363 of 2022 registered with Shivaji Nagar police station, district Latur for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. and the consequential criminal proceedings bearing R.C.C. No. 530 of 2023, arising out of the aforesaid F.I.R., pending before the learned Judicial Magistrate First Class, Latur, stand quashed and set aside as against the present applicants.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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