



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.567 OF 2024

1. Devidas S/o Bhanudas Gadambe
Age : 45 YEARS, Occu : Private Job,
R/o 702/14, Mohan Highlands,
Badlapur (East), Thane 421503
2. Bhanudas S/o Madhavrao Gadambe
Age : 75 years, Occu : Agri,
R/o Ghagardara
Tq. Kandhar Dist. Nanded
3. Chandrabhaga W/o Bhanudas Gadambe
Age : 72 years, Occu : Household,
R/o. Ghagardara
Tq. Kandhar Dist. Nanded
4. Sunanda D/o Bhanudas Gadambe
@Sunanda W/o Laxman Bhalerao,
Age : 40 years, Occu : Service,
R/o House No.4, Sharda Building,
Police Colony, near Rest House, Sneha Nagar,
Nanded Tq. And Dist. Nanded
5. Mahananda D/o Bhanudas Gadambe
@Mahananda W/o Jyotiba Phule,
Age : 36 years, Occu : Household,
R/o Ghagardara Tq. Kandhar Dist. Nanded
R/o. Golegaon Tq. Kandhar Dist. Nanded
6. Santosh S/o Bhanudas Gadambe
Age : 38 years, Occu : Labour,
R/o at present Yewalewadi, Pune
Tq. and Dist. Pune

...Applicants

VERSUS

1. The State of Maharashtra
Through Police Station,

Nanded Gramin

2. Shamala W/o Devidas Gadambe
Age : 33 years, Occu: Household,
R/o Shahoo Nagar, Waghala
Tq. and Dist. Nanded,
At present R/o – Balirampur
Tq. and Dist. Nanded ...Respondents

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Mr. U. P. Bilolikar, Advocate for the Applicants.
Mr. A. D. Wange, APP for Respondent/State.

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

DATED : 29th APRIL 2025

O R D E R (Per Sanjay A. Deshmukh J.) :-

1. This is an application for quashment of the First Information Report ('FIR') vide Crime No.11 of 2024 dated 04.01.2024 registered with Police Station, Nanded Gramin Dist. Nanded for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC') and the proceeding bearing R.C.C. No.212 of 2024 pending before the Court of learned Chief Judicial Magistrate, Nanded.
2. Informant averred in the report that applicant no.1 is her husband, applicant nos.2 and 3 are her parents-in-law. Applicant nos.4 and 5 are sisters-in-law and applicant no.6 is her brother-in-law.
3. Informant further averred in the report that she married with

applicant no.1 on 30.11.2012. An amount of Rs.10,00,000/- was incurred for the said marriage. She started to reside with applicant no.1 at Shahunagar, Waghala, Taluka and District Nanded. She was treated well for eight days.

4. Informant also averred that from 08.12.2012 the applicants started to harass her and were keeping her on starvation. She stayed there for one year and thereafter in the year 2013 she went to reside with her husband at Kharadi, Pune. She co-habitated there for two years. She begot son Rudransh, who is now 10 years old. Her husband got transferred to Badlapur, therefore, in the year 2015 she was taken to Mumbai. She begot daughter Arnavi who is now eight years old. All the applicants were saying to applicant no.1 to leave the informant because she was not good looking woman and therefore her husband used to beat her. They demanded Rs.5,00,000/- for purchasing house and for that reason they abused and beat her. The informant was expelled from the house at Mumbai on 05.03.2023. Her children were kept with applicant no.1. Therefore, she lodged the report against the applicants on 04.01.2023.

5. The learned counsel for the applicants submits that the applicants are falsely implicated in the crime. The general and vague allegations are made against them. No specific incident is stated by

the informant in her report as to when demand of Rs.5,00,000/- was made for purchasing the house. There is no cogent and acceptable evidence against all the applicants. He submitted that if the applicants are compelled to face the trial, they will certainly suffer. He lastly prayed to allow the application.

6. 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 demanded Rs.5,00,000/- for purchasing house. They have treated the informant with cruelty. He lastly prayed to reject the application.

7. Here, it is 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***, 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...."

8. 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."

9. We have perused the charge sheet, particularly, the report and statements of witnesses. The witnesses have stated similar facts which are stated by the informant in the report. There are allegations of demand of Rs.5,00,000/- against all the applicants, however, admittedly the informant was residing with her husband at Badlapur. It is not pointed out as to when the applicants went there and harassed her for Rs.5,00,000/-. She had begotten two children which are not residing with her. General and vague allegations are made against the applicants. It is not clarified as to where the applicants particularly applicant no.1 was willing to purchase the house for which Rs.5,00,000/- was necessary. Such vague and general allegations of demand and harassment cannot constitute the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the IPC. In such circumstances if the applicants are compelled to face the trial it would certainly be an abuse of process of law. We are

therefore inclined to exercise our inherent powers under Section 482 of the Cr.P.C. in favour of applicants to prevent abuse of the process of the Court in the interest of justice. The application therefore deserves to be allowed. Hence the following order :-

O R D E R

- i. Application allowed.
- ii. FIR vide Crime No.11 of 2024 dated 04.01.2024 registered with Police Station, Nanded Gramin Dist. Nanded, for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860 ('IPC') and the proceeding bearing R.C.C. No.212 of 2024 pending before the Court of learned Chief Judicial Magistrate, Nanded are quashed as against all the applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Narwade