



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

CRIMINAL APPLICATION NO. 453 OF 2019

1. Rajendra S/o Randhir Tanwar
Age-27 years, Occu.: Student
R/o. N-11, E-12/1, CIDCO, Aurangabad
Tq & Dist. Aurangabad.
2. Meghraj S/o Bansi Rathod,
Age-45 years, Occu.: Agril,
R/o. Kalikamata Nagar, Plot No. 88,
Pachora, Tq. Pachora, Dist. Jalgaon.
3. Indubai W/o Meghraj Rathod
Age- 33 years, Occu.: Household,
R/o. Kalikamata Nagar, Plot No. 88,
Pachora, Tq. Pachora, Dist. Jalgaon.

... Applicants
(Ori. Accused No. 4 to 6)

Versus

1. The State of Maharashtra
Through Investigation Officer,
MIDC Jalgaon Police Station, Jalgaon
Tq. & Dist. Jalgaon.
2. Kavita W/o Jitendra Tanwar,
Age-30 years, Occu.: Household,
R/o. Jain Hills, Kamgar Quarter,
Shirsoli Road, Jalgaon Tq. & Dist. Jalgaon.

... Respondents
(R-2 is Ori. Complainant)

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Mr. Aadil A. Shaikh, h/f Mr. Ravindra Vitthal Gore, Advocate for Applicants.
Mr. V. K. Kotecha, APP for Respondent No.1 / State.
Mr. N. M. Chanchlani, Advocate for Respondent No.2. (Absent)

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

DATE : 31st July, 2025.

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

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing of the FIR bearing Crime No.670 of 2018, dated 3rd November, 2018, registered with M.I.D.C. Police Station, Taluka and District Jalgaon, for the offences punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code, 1860 (for short “the IPC”).

3 Applicant No.1 is the brother-in-law of the informant / respondent No.2. Applicant Nos.2 and 3 are maternal uncle and aunt of the husband of informant.

4 Respondent No.2 / informant averred in the report that her marriage was solemnized with the brother of applicant No.1 on 21st January, 2018. After the marriage, she went to her matrimonial home, where she resided alongwith her husband, parents-in-law and

brother-in-law (applicant No.1). After the marriage, her husband was not having any job. At the time of marriage, her parents had given certain utensils and household articles to the informant. However, her husband, parents-in-law and applicant No.1 repeatedly taunted her by saying that she had brought insufficient household articles from her parental home. On that count, they used to abuse her and treated her with cruelty.

5 The informant further averred that applicant Nos.2 and 3 (uncle and aunt of her husband) used to instigate her husband by making telephone calls. They instructed him not to allow the informant to visit her parents' house. They demanded utensils and a sewing machine from her parents' house. Due to such instigation, her husband and parents-in-law used to abuse, slap and beat her. They continued to harass her to bring utensils from her parental house.

6 The informant further averred that about three days prior to the festival of Holi in the year 2018, her husband and mother-in-law demanded Rs.3,00,000/- to her for securing an employment for applicant No.1. When she expressed that her father was not in a financial position to provide such amount, her husband and mother-in-law became enraged. They stuffed cloth into her mouth and assaulted her with fists and slaps, and threatened her that if she failed to bring

the amount, she would be eliminated.

7 The informant further averred that her on one Sunday, when her parents came to her matrimonial house to meet her, applicants No.2 and 3 were also present there. At that time, they told her husband and parents-in-law to set her ablaze if the informant did not fetch utensils and Rs.3,00,000/- from her parental home to secure employment for applicant No.1. On that occasion, when her parents were present, applicants No.2 and 3, did not allow her to talk freely with them. After her parents departed, her husband, mother-in-law and applicants No.2 and 3 assaulted her. Her husband slapped and gave fists blows to her and told her that he did not like her and that she should leave the house.

8 The informant further averred that on 1st March, 2018, when her brother Ravindra came to take her to her parents' house, her husband also came to leave her at her parents' home in Jalgaon. On that occasion also, her husband told her that if she wished to reside with him, she must bring money from her parents' house, and thereafter, he left her at her parents' house. Since then, she is residing with her parents. About eight days later, her husband came to her parental home and abused her and her parents. He also assaulted her father and brothers Ravindra and Anand. At that time, her father had

called the security guards and officers of the company, who intervened, and convinced her husband. Thereafter, on 25th August, 2018 also, her husband and applicant No.1 came to her parental home alongwith some other persons. They abused her near the company gate. Thereafter, she had lodged a complaint before the Women's Grievance Committee at Jalgaon against the accused. Her husband also appeared before the Committee but avoided giving any satisfactory reply. Thereafter, she lodged the report against the applicants and others.

9 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. There is no specific material against the applicants. Vague and general allegations are made against the applicants. Applicant Nos.2 and 3 are the maternal uncle and aunt of the husband of the informant, residing separately in different premises. He lastly prayed to allow the application.

10 The learned APP for respondent / State strongly opposed the application. He submitted that the applicants are involved in a serious crime. Their names are mentioned in the report. They treated the informant with cruelty. They have committed an anti-social crime. There is strong evidence against them. He 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 report. The main allegations of cruelty are made against the husband and parents-in-law of the informant. They are not parties to this application.

13 Applicant No.1 is the brother-in-law of the informant.

Though it is stated that he was residing in the matrimonial home, the allegations of cruelty against him are general in nature. In the report, there is no allegation of demand of money by applicant No.1 to the informant.

14 As far as applicant Nos.2 and 3 are concerned, it is specifically stated that on one Sunday, when informant's parents came to her matrimonial house to meet her, applicants No.2 and 3 told her husband and parents-in-law to set her ablaze if she did not fetch utensils and Rs.3,00,000/- from her parental home to secure employment for applicant No.1 and they did not permit the informant to talk with her parents and thereafter, they beat the informant. However, all these allegations are vague and general in nature. The present applicants are implicated in the crime only because they are relatives of the husband and parents-in-law of the informant.

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, limb, or mental or physical health. There is no such material on record to show the overt act of the applicants to establish cruelty caused by them.

16 It is not the case of informant that the applicants caused any injury voluntarily to the informant. There is no reliable material to show that the applicants intentionally insulted her with intent to provoke breach of the peace and caused criminal intimidation to the informant, to establish the essential ingredients of Sections 323, 504 and 506 of the IPC.

17 After considering entire material, it is crystal clear that vague and general allegations are made against the present applicants. Considering all facts of the case and the above reasons, if the applicants are compelled to face the trial, it would certainly be an abuse of the process of the Court. We are therefore, inclined to allow the application 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, therefore, deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The FIR bearing Crime No.670 of 2018, dated 3rd November, 2018, registered with M.I.D.C. Police Station, Taluka and District Jalgaon, for the offences

punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code, stands quashed as against the present applicants.

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[SANJAY A. DESHMUKH, J.]

[SMT. VIBHA KANKANWADI, J.]