



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 587 OF 2024

1. Pramod s/o Jotiram Waghmare
Age 30 years, Occ. Service,
Residing at S.N.3/3 to 8,
Flat No.1103, Alfa Building
Pandhari Nagar, Handevadi Chowk
Handevadi, Pune
(husband)
2. Jyotiram s/o Ganpati Waghmare
Age 59 years, Occ. Retired,
Residing at Maven Viyan Society
1103, Handevadi, Hadapsar
Pune
(father in law)
3. Pramila w/o Jyotiram Waghmare
Age 63 years, Occ. Housewife
Residing at Maven Viyan Society
1103, Handevadi, Hadapsar
Pune
(mother in law)
4. Pallavi w/o Gorakh Abnave
Age 34 years, Occ. Teacher
Residing at Uruli Devachi,
Tq. Haveli, district Pune
(sister in law)
5. Pradnya w/o Kishor Abnave
Age 26 years, Advocacy
Residing at Survey No.10,
Unnati Nagar, Hadapsar, Pune
(sister in law)
6. Gorakh s/o Tukaram Abnave
Age 38 years, Occ. Services
Residing at Uruli Devachi,
Tq. Haveli, district Pune
(husband of applicant No.4)

7. Kishor s/o Kailash Abnave
Age 36 years, Occ. Services
Residing at Survey No.10,
Unnati Nagar, Hadapsar,
Pune
(husband of applicant No.5) ...Applicants

versus

1. The State of Maharashtra
Through Officer in charge
Murud Police Station, Latur
2. Shilpa w/o Pramod Waghmare
Age 28 years, Occ. Service
R/o. C/o. Sachin Dilip Sable,
Behind Siddhivivanak temple,
Murud, Latur ...Respondents

.....
Mr. Shritej Surve, Advocate for the applicants
Mr. G.A. Kulkarni, A.P.P. for the respondent No.1
.....

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

DATED : 3rd JULY, 2025

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

1. Heard learned advocate for the applicants and learned
A.P.P. for respondent No.1 State.

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. 192 of 2020, dated 28.10.2020 registered with Murud
police station, District Latur, for the offences punishable under
Sections 498-A, 323, 504 r.w. 34 of the Indian Penal Code, 1860 (for

short “the I.P.C.”) and the consequential criminal case bearing R.C.C. No. 94 of 2021 pending before the Judicial Magistrate, First Class, Latur.

3. The informant averred in the report, applicant No.1 is her husband, applicant Nos 2 and 3 are parents in law, applicant Nos. 4 and 5 are sisters in law and applicant Nos. 6 and 7 are the husbands of applicant Nos. 4 and 5, respectively.

4. The informant further averred in the report that she married with applicant No.1 on 19.5.2019. In her marriage, an amount of Rs.2,00,000/- as dowry, two tolas gold and additionally 3 Tola gold and household articles were given in that marriage. Hence, total amount of Rs.9,00,000/- was incurred for the said marriage. The informant further averred that after the marriage, she went for cohabitation at Pune where the applicants and other in laws were used to reside. They all harassed the informant by saying that fridge and other articles were not given in that marriage by her parents. They abused and beat her. They said that they will not send her to Murud i.e. her parents house. She was not allowed to talk with her parents and brother.

5. The informant further averred that the informant went to her

parental house. Her husband applicant No. 1 demanded Rs.3,00,000/- to her for repayment of housing loan otherwise told her to not return for cohabitation. The informant's brother tried to convince the applicants and she was sent back for cohabitation. The applicants started to demand her salary from her. They said that she should take whatever meal they will give her and she has to bear her own expenses.

6. The informant further averred that, the applicants again demanded Rs.3,00,000/- to her and she was driven out of the house. Thereafter, her mother and brother convinced the applicants and she was taken back for cohabitation. There was no effect of the compromise as the applicants again started to harass her on account of trifle reasons. They beat her, kept her on starvation and continued the ill-treatment.

7. The informant lastly averred that, all the applicants took out all ornaments from her person, abused and driven her out from the house by saying that if she wants to come for cohabitation, she should bring an amount of Rs.3,00,000/- from her parental house. Then, her husband came to her parents house and asked her as to why she came at Murud, she was beaten and abused. Thereafter, the father, mother and brother of the informant had requested the

applicants to take the informant for cohabitation. However, the applicants said that unless Rs.3,00,000/- are given, the informant will not be taken for cohabitation. Thereafter, the informant lodged the report.

8. 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.3,00,000/- for repayment of housing loan 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. She 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.

9. 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 demand of Rs.3,00,000/- on the part of all applicants for repayment

of housing loan and on account of non fulfillment of the said demand, the applicants have treated the informant with cruelty and have abused and beat 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 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

10. 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.....”

11. We have perused the charge sheet, particularly the report and the statements of the witnesses. According to the informant, last incident of harassment took place in the month of February 2020 and the report is lodged on 28.10.2020. Similar facts are stated by the informant and the witnesses. Thus, the report is not lodged immediately after the alleged incident of cruelty. The vague and general allegations of cruelty are made against the applicants. There is no material against all the applicants to constitute essential ingredients of Sections 498-A, 323, 504 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 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. 192 of 2020, dated 28.10.2020 registered with Murud police station, District Latur, for the offences punishable under Sections 498-A, 323, 504 r.w. 34 of I.P.C. and the consequential criminal case bearing R.C.C. No. 94 of 2021 pending before the Judicial Magistrate, First Class, Latur. stand quashed and set aside as against the present applicants.

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

rlj/