



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 617 OF 2024

1. Nitin Laxman Chavan
Age 30 years, Oc. Artist/Labour
2. Laxman Devrao Chavan
Age 71 years, Occ. Agri.
3. Sarubai Laxman Chavan
Age 70 years, Occ. Household
4. Pratap Laxman Chavan
Age 43 years, Occ. Nil,

Applicant Nos. 1 to 4 R/o.
Naiknagar (s), Tal. Omerga,
District Osmanabad

5. Balkrushna Laxman Chavan
Age 33 years Occ. Job,
6. Priyanka Balkrushna Chavan
Age 28 years, Occ. Household

Applicant Nos. 5 and 6 R/o. Gut No.553,
Kiwale Mala, Pant Nagar,
Jadhavwadi, Pune

7. Savita Chandrakant Rathod
Age 47 years, Occ. Household
R/o. Indira Nagar, Telco Road,
Behind Panchshil Hotel,
Chinchwad East, Pune
8. Sunita Tanaji Rathod
Age 41 years, Occ. Household
R/o. Aliyabad Tanda, Post Jalkot
Aliyabad, Osmanabad

...Applicants

Versus

1. The State of Maharashtra

Through Police Inspector, M.I.D.C.
Latur Police Station, Latur

2. Komal Nitin Chavhan
Age 28 years, Occ. Advocate
R/o. Naik Nagarm Tanda
Tal. Omerga, Dist. Osmanabad
At present Harangaud Bk,
Tq. And Dist. Latur ...Respondents

AND
CRIMINAL APPLICATION NO. 710 OF 2024

Sanyukta Dnyaneshwar More
Age 21 years, Occ. Education
R/o. Snehabandh Housing Society, A-8,
Spine Road, Sr. No.17/19. Gharkul,
Chikhali Bk, Pune ...Applicant

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Latur Police Station, Latur
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Mr. Ashraf Patel h/f Mr. Abhijit Avhad, Advocate for the applicants
Mr. A.D. Wange A.P.P. for the respondent No.1
Mr. Kiran Rathod, Advocate for respondent No.2
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATE OF RESERVING THE : 07.04.2025
ORDER
DATE OF PRONOUNCING : 25.04.2025
ORDER**

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

1. Both these applications are filed under Section 482 of the Cr.P.C. for quashing of F.I.R. vide C.R. No. 888 of 2023, dated 7.12.2023, registered with M.I.D.C. Latur Police Station, Latur for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential criminal case bearing R.C.C. No. 449 of 2024 pending before the learned Judicial Magistrate First Class, Latur.

2. Respondent No.2-informant averred in the report that the applicant No.1 in application No. 617 of 2024 is her husband, applicant Nos 2 and 3 are her parents-in-law, applicant Nos. 4 and 5 are her brothers-in-law and applicant No.6 is wife of applicant No.5, the applicant Nos. 7 and 8 are the sisters-in-law of the informant. In so far as the applicant in criminal application No.710 of 2024 is concerned, she is the paramour of the husband of the informant.

3. The informant further averred in her report that her marriage was performed on 27.01.2023. In the said marriage, an amount of Rs.11,00,000/- was given as a dowry, an amount of Rs.5,00,000/- was incurred for household articles and gold ornaments and an amount of Rs.5,00,000/- was incurred for other

expenses. Thus, total amount of Rs.21,00,000/- was incurred in the said marriage. The informant was treated well for one month after the marriage. Thereafter, husband of the informant took her to Pune. There, he started to frequently tell her that he was not willing to marry with her, as he does not like her. The said marriage is performed against his will. He was not even willing to see her face. Just a glance at her makes him feel bad. The informant was constantly trying to convince him, yet their marriage was not consummated. The informant was bearing the harassment on the part of her husband hoping that everything will be well in future. Therefore, she was bearing.

4. The informant further averred that the applicant in criminal application No. 710 of 2024 viz. Sanyukta was coming to the Academy. Her husband used to bring Sanyukta to their house. The informant was doubtful about their conduct. The informant told her husband to not bring Sayunkta to their house. Thereupon, the husband of informant said that Sanyukta will certainly come there and if the informant wants to stay there she may stay otherwise, may leave the house. On the second day of that incident, the husband of the informant again brought Sanyukta in his house. They directly went into the bedroom and sat there. When the informant questioned her husband, he said that they love each other and they

have planned to perform marriage. He told her that if she wants to stay there, she may stay otherwise leave the house immediately and he beat her.

5. The informant further averred that on the same day, she told that incident to her brother in law. He told that to her in laws as well as her parents. They all came to their house at Pune. They convinced her husband. Thereafter, her husband behaved properly with her for about 8 days. Thereafter, he started to harass her and quarrel with her frequently.

6. The informant further averred that she tried to convince Sanyukta, the paramour of her husband that she is married with him and to not break down their marital tie and leave her husband. Sanyukta stated that she will not leave him and they had decided to perform the marriage. When Sanyukta told that fact to the husband of informant, he abused and beat the informant. He also threatened that if the informant makes any phone call to Sanyukta, he will eliminate her. The informant came to Harangaud (K), Tq. and District Latur. Thereafter, her parents and some prestigious persons in the village conducted a meeting. They went at Pune and tried to convince her husband but he told them that he doesn't like the informant. He said that he and Sanyukta both love each other prior to his marriage.

He told the informant that whether she stays there or not will not affect him. He had told about the love affair to her parents, brother and sister prior to the marriage, if she wants to stay she will have to stay along with himself and Sanyukta, and three of them can have marital life under one roof. If she agrees, she may stay there otherwise he is not ready to accept her as wife.

7. The informant further averred that once when the gas cylinder at home was finished, Shubham, the son of sister in law of the informant brought a gas cylinder at her home. At that time, the husband of the informant doubted her character by saying that something was going on between the informant and Shubham. He also abused and threatened Shubham over a phone call saying that if he helps the informant again, he will eliminate him. The informant further said that once she went to Sangavi, Tq. Dist. Pune and when she suddenly returned to the house, she saw that Sanyukta and her husband were together in the house. She questioned her husband about the same, at that time, her husband beat her and he left the house for about 2 ½ months. During that period, the applicant Nos. 4, 6 and 7 frequently visited the house of informant and told her that because of her torture, her husband had left the house, hence she should stop residing there and she should transfer the land in her name to the name of her husband Nitin. They even cut her water

connection in order to harass her and expelled her from the house. Then she came to the house of her parents in law. At that time, applicant Nos. 7 and 8, her sisters-in-law, Savita and Sunita, suddenly came there and started insisting to transfer the land in her name to the name of her husband Nitin. On the next day, her mother-in-law Sarubai, applicant No.3 instigated all the applicants in criminal application No. 617 of 2024, who abused and beat her by fist and kick blows. She was kept on starvation. They expelled her from the house. Therefore, she is residing with her parents. She lodged the report on 07.12.2023.

8. Learned advocate for the applicants submitted that no specific allegations are made against the applicants in the report. All allegations are vague, omnibus and general in nature. The report is lodged when the informant was at her parental home and there is 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. All these applicants are close relatives of the husband of the informant and only in order to implicate the entire family and the relatives, the report has been falsely lodged, without substantial evidence against them. Learned advocate further submits that the

applicants have been falsely implicated in the crime. Therefore, he prayed to quash the report as well as the criminal case.

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. The applicant in criminal application No.710 of 2024, being the paramour of husband of informant, has played active role in causing harassment to the informant. She used to frequently visit at the house of the informant. The names of the applicants are mentioned in the report. The specific roles by mentioning their names are 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 I.P.C. It is lastly prayed to reject the applications.

10. Learned advocate for respondent No.2-informant submitted that the applicants have treated the informant with cruelty. The names of the applicants are mentioned in the report with specific role attributed to them. The applicants in both the applications have treated the informant with cruelty, which constitute the offenses punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. Learned advocate lastly prayed to reject the applications.

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 report and the statements of the witnesses. The supplementary statement of the informant is also recorded. The witnesses have stated the about the incident as alleged by the informant in her report. The statements of witnesses are supporting to the allegations made by the informant. Most of the allegations are made against applicant No.1 - husband of the informant, as said applicant and the informant both were residing under one roof at Pune. The husband of the informant used to come at house with Sanyukta, his paramour. The husband used to abuse and beat the informant and even threatened to kill her.

13. As far as the role of the relatives of the husband of the informant is concerned, the allegations are made by the informant and the witnesses that they were insisting her to transfer the land in the name of the informant to the name of her husband Nitin, but which is that land is not clarified. No such specific incident is stated as to when specifically that demand was made. Even the last incident that when the informant was expelled from the house by the applicants in criminal application Nos. 617 of 2024, is also not specifically stated. Therefore, upon such general, vague, omnibus and baseless allegations, compelling applicant Nos. 2 to 8 to face the trial, would certainly be an abuse of process of the court. At this stage, we find that there is prima facie material against the applicant

No.1 i.e. husband of the informant. Therefore, we are not inclined to allow the application to the extent of applicant No.1. The case is made out for exercise of powers under section 482 of Cr.P.C. as against applicant Nos. 2 to 8 in criminal application No. 617 of 2024, in the interest of justice, to prevent abuse of process of the Court.

14. In so far as the applicant Sanyukta in criminal application No. 710 of 2024 is concerned, the allegations are that she is paramour of the husband of the informant. She is not relative of her husband as contemplated in section 498-A of I.P.C.. Therefore, in view of the law laid down by the Hon'ble Supreme Court in the case of ***U. Suvetha vs. State by Inspector of Police and Anr, 2009 (6) SCC 757***; in which the Hon'ble Supreme Court has held that neither a girl friend nor a concubine is a relative of the husband within the meaning of Section 498-A of I.P.C., since she is not connected to the husband by blood or marriage. The same view has been reiterated by the Hon'ble Supreme Court in the case of ***Sunita Jha vs State of Jharkhand and another, 2010 (10) SCC 190*** as well as this Court in the case of ***Deepika Hanmant Zanjurne vs. State of Maharashtra, through the Police Inspector and another, 2021 SCC Online Bom 6852***.

15. In view of the above position of law, compelling Sanyukta, the

applicant in criminal application No. 710 of 2024 to face the trial would certainly be an abuse of process of the court. Thus, the criminal application No. 710 of 2024 deserves to be allowed in the interest of justice to prevent abuse of process of Court.

16. Considering the above reasons, we are inclined to allow the application of applicant Nos. 2 to 8 in criminal application No. 617 of 2024 and the application No. 710 of 2024. Considering the role of applicant No.1-Nitin Laxman Chavan, in criminal application No. 617 of 2024, application deserves to be rejected to his extent. Hence, we proceed to pass the following order:-

O R D E R

- I. Criminal application No. 617 of 2024 stands allowed partly.
- II. Criminal application No. 710 of 2024 stands allowed.
- III. Criminal application No. 617 of 2024 stands rejected to the extent of applicant No.1-Nitin Laxman Chavan.
- IV. The F.I.R. vide C.R. No. 888 of 2023, dated 07.12.2023, registered with M.I.D.C. Latur Police Station, District Latur for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential criminal case bearing R.C.C. No. 449 of 2024 pending before the learned Judicial Magistrate First Class, Latur, stand quashed to the extent of

applicant Nos. 2 to 8 in criminal application 617 of 2024 and the applicant Sanyukta Dnyaneshwar More in criminal application No. 710 of 2024.

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

rlj/