



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

CRIMINAL APPLICATION NO. 850 OF 2024
WITH
CRIMINAL APPLICATION NO. 962 OF 2025
IN APPLN/850/2024

- 01]. Davappa s/o Revansiddh Shivange
(Husband)
Age 33 yrs., Occ. Nil
R/o. Plot No. 62 Vaishnavi Nagar,
Bhag-2, Saiful, Solapur Ta. And Dist. Solapur.
- 02]. Kasturbai w/o Revansiddh Shivange
(Mother in Law)
Age. 65 yrs Occ. H.H.
- 03]. Dattatrya Revansiddh Shivange
(Brother in Law)
Age. 47 yrs Occ. Labour
- 04]. Sita w/o Dattatrya Shivange
(Wife of Brother in Law)
Age 36 yrs Occ. H.H.
- 05]. Hanamnt s/o Shivanna Shivange
(Cousin Brother in Law)
Age 53 yrs occ. Agri
- 06]. Shardha w/o Hanmant Shivange
(Wife of Cousin Brother in Law)
Age 45 yrs Occ. Agri

All R/o. Nandni Ta. Dakshin Solapur Dist. Solapur.
- 07]. Vishwanath s/o Revansiddh Shivange
(Brother in Law)
Age. 43 Yrs Occ. Service

- 08]. Kanchan @ Bhagyashri w/o Vishwanath Shivange
(Wife of Brother in Law)
Age 34 yrs Occ. H.H.

Both R/o Plot No. 42, Dwarka Nagar, Saiful,
Solapur Ta. And Dist. Solapur.

... Applicants

Versus

- 01]. The State of Maharashtra,
Through the Police Station Officer,
Bhada Police Station, Bhada Tq. Ausa
Dist. Latur.

- 2]. Pallavi w/o Devappa Shivange
Age. 25 yrs Occ. H.H.
R/o. Aashiv Ta. Ausa
Dist. Latur.

... Respondents

...

Mr. Namdev D. Kendre, Advocate for Applicants.

Mr. V. K. Kotecha, APP for Respondent No.1.

Mr. Nileshsingh J. Patil, Advocate for Respondent No.2.

...

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

DATE : 20th March, 2025.

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

. Heard the learned advocates for the respective parties.

2 Criminal Application No.962 of 2025 is filed seeking leave
to file charge-sheet. For the reasons stated in the application,

Criminal Application No.962 of 2025 is allowed. Amendment to be carried out within a period of four weeks.

3 Criminal Application No.850 of 2024 is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing the proceedings in Regular Criminal Case No.393 of 2024 and Charge-Sheet No.65 of 2024, pending in the Court of learned Judicial Magistrate First Class at Ausa, District Latur, arising out of F.I.R. bearing C.R. No.20 of 2024, dated 24th January, 2024, registered with Bhada Police Station, Taluka Ausa, District Latur, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

4 When this Court expressed disinclination to grant any relief to applicant Nos.1 and 2, the learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant Nos.1 and 2. Leave granted.

5 Applicant No.1 is the husband of informant / respondent No.2. Applicant No.2 is the mother-in-law and applicant No.3 is the brother-in-law of the informant. Applicant No.4 is the wife of applicant No.3. Applicant No.5 is the cousin brother-in-law of the informant and applicant No.6 is the wife of applicant No.5. Applicant No.7 is the

brother-in-law of the informant and applicant No.8 is the wife of applicant No.7.

6 It is averred in the report by the informant that she married with accused No.1 on 21st May, 2023. At the time of marriage, an amount of Rs.3,00,000/- alongwith seven tolas gold ornaments and household articles were given. Initially, the informant was treated well for two months. Thereafter, the applicants, her husband and the mother-in-law started to harass her by saying that the informant is mentally unstable and incapable of handling household chores. They started to abuse and beat her. They demanded Rs.5,00,000/- for purchasing a car. The informant said that her father is not able to pay that amount. Therefore, the applicants abused and beaten her and kept her starved.

7 On 8th July, 2023, the informant came to her parents' house at Ashiv, Taluka AUSA. Her husband and in-laws did not come there to take her back for cohabitation. Therefore, her father made phone call to them and requested them to take the informant back. At that time, they said that first pay Rs.5,00,000/- and then the applicants will take the informant back for cohabitation. That time, the father of the informant said that "we will discuss this issue". All the applicants came to the meeting at the house of the father of informant. The

applicants said first pay the amount of Rs.5,00,000/- for purchasing a car. They said that, if the father of informant is not paying that amount, then he shall keep the informant with him. The informant and her father requested the applicants that they could not fulfill that demand. At that time, all the applicants abused them. The informant requested the applicants not to abuse her father. At that time, the informant was slapped by her husband and the mother-in-law. The applicants further threatened that if the informant returned, they would administer poison and kill her.

8 On 2nd November, 2023, the informant lodged a written complaint against the applicants with the Women's Grievance Redressal Center, Latur. The applicants refused to take her back for cohabitation. Therefore, she lodged the report on 24th January, 2024 against the applicants for treating her with cruelty.

9 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. The vague and omnibus allegations are made against the applicants, which are not establishing the essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC. They never treated the informant with cruelty. If the applicants are directed to face the trial, in such situation, they will certainly suffer. He lastly prayed to allow the application.

10 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 committed anti-social crime. They demanded Rs.5,00,000/- to the informant for purchasing a car. He lastly prayed to reject the application.

11 The learned counsel for the informant / respondent No.2 also strongly opposed the application and submitted that the names of the applicants are mentioned in the report. They treated the informant with cruelty by demanding Rs.5,00,000/- for purchasing a car. The applicants kept the informant starved. He lastly prayed to reject the application.

12 Here, it is relevant to refer to the decision of the Honourable 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....”

13 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 that 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.”

14 We have perused the report and the charge-sheet, particularly, the statements of witnesses.

15 On perusal of the statements of witnesses, it can be seen that same type of allegations are made by the witnesses about the last incident dated 8th July, 2023 stated by the informant in her report. The informant stated that all the applicants came there and demanded Rs.5,00,000/- and said first pay that amount and then they will take the

informant back for cohabitation, otherwise they told her father to keep the informant with him. It is alleged that the husband and mother-in-law of the informant beaten her. They said that they will administer poison to her and kill her. The said incident is stated by all the relatives of the informant. However, general and omnibus allegations of alleged overt acts of demand of Rs.5,00,000/- is made against applicant No.3 to 8. Their role is not specifically stated. Considering the report as well as the statements of witnesses, we are of the view that the allegations of causing cruelty by demanding Rs.5,00,000/- against applicant Nos.3 to 8 are not sustainable. There is no such reliable evidence against them. Applicant Nos.3 to 8 are residents of different place. Applicant Nos.3 to 6 are resident of Nandni, Taluka Dakshin Solapur, District Solapur. Applicant No.7 is married brother-in-law of the informant, who is residing with his wife (applicant No.8) at Dwarka Nagar, Saiful, Solapur, Taluka and District Solapur. If all these aspects are considered together, then we are of the view that vague, omnibus and general allegations are made against applicant Nos.3 to 8 that they treated the informant with cruelty by demanding Rs.5,00,000/- for purchasing a car. In such circumstances, if applicant Nos.3 to 8 are directed to face the trial, it would certainly be an abuse of the process of Court. We are therefore, inclined to allow the application to the extent of applicant Nos.3 to 8 by exercising our inherent powers under Section 482 of the Cr.P.C. The application,

therefore deserves to be partly allowed in favour of applicant Nos.3 to 8 in the interest of justice and to prevent the abuse of the process of the Court. Hence, the following order:-

ORDER

- I. Criminal Application No.850 of 2024 of applicant Nos.1 and 2 stands dismissed as withdrawn.
- II. The proceedings in Regular Criminal Case No.393 of 2024 and Charge-Sheet No.65 of 2024, pending in the Court of learned Judicial Magistrate First Class at Ausa, District Latur, arising out of F.I.R. bearing C.R. No.20 of 2024, dated 24th January, 2024, registered with Bhada Police Station, Taluka Ausa, District Latur, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed and set aside to the extent of applicant Nos.3 to 8 (Dattatrya Revansiddh Shivange, Sita w/o Dattatrya Shivange, Hanamnt s/o Shivanna Shivange, Shardha w/o Hanmant Shivange, Vishwanath s/o Revansiddh Shivange and Kanchan @ Bhagyashri w/o Vishwanath Shivange) only.
- III. Both the applications stand disposed of.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]