



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 850 OF 2023

1. Dnyaneshwar S/o. Madhav Ban,
Age : 30 Years, Occu. : Agriculturist,
R/o. Molwanwadi, Tq. Ahmedpur,
Dist. Latur.
2. Madhav S/o. Ranba Ban,
Age : 67 Years, Occu. : Nil,
R/o. Molwanwadi, Tq. Ahmedpur,
Dist. Latur.
3. Parwati W/o. Madhav Ban,
Age : 58 Years, Occu. : Nil,
R/o. Molwanwadi, Tq. Ahmedpur,
Dist. Latur.
4. Namdeo S/o. Madhav Ban,
Age : 32 Years, Occu. : Service,
R/o. Puranik Aldea Espanola,
Flat No.1202, J2 Building,
Phase-5, Near Orchid Hotel,
Mahalunge.
5. Shital W/o. Namdeo Ban,
Age : 32 Years, Occu. : Household,
R/o. Puranik Aldea Espanola,
Flat No.1202, J2 Building,
Phase-5, Near Orchid Hotel,
Mahalunge.
6. Gayabai Wd/o. Ranba Ban,
Age : 85 Years, Occu. : Nil,
R/o. Molwanwadi, Tq. Ahmedpur,
Dist. Latur.

7. Bhagyashri W/o. Nitin Puri,
Age : 28 Years, Occu. : Household,
R/o. Karle Grocery Shop,
Wadi Bamni, Tq. Osmanabad,
Dist. Osmanabad.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Superintendent of Police,
Office of Superintendent of Police,
Beed, Dist. Beed.
2. The Police Inspector,
Police Station Bardapur,
Tq. Ambajogai, Dist. Beed.
3. Payal W/o. Dnyaneshwar Ban,
Age : 22 Years, Occu. : Household,
R/o. Kagnewadi, Police Station
Bardapur, Tq. Ambajogai,
Dist. Beed.

.... Respondents

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Advocate for Applicants : Ms. Poonam Bodke Patil
APP for Respondent Nos.1 & 2-State : Mr. A.M. Phule
Advocate for Respondent No.3 : Ms. S.N. Suryawanshi (**Appointed**)

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

Dated : 04th April 2025

ORDER [PER SANJAY A. DESHMUKH, J.] :-

1. This is an application for quashing the First Information Report (for short "the F.I.R.") and charge-sheet in R.C.C. No.301 of

2022, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Ambajogai, Dist. Beed, arising out of Crime bearing No.0126 of 2022, registered at Bardapur Police Station, Dist. Beed, dated 25.08.2022, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”)

2. After hearing both the sides, when this Court expressed disinclination to grant any relief to applicant No.1/husband and applicant No.3/mother-in-law, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant Nos.1 and 3. Therefore, this application is dismissed as withdrawn against applicant Nos.1 and 3.

3. Learned Advocate for the applicants pointed out the report dated 25.08.2022, in which respondent No.3/informant averred that she married with the son of applicant Nos.2 and 3. Applicant No.4 is her brother-in-law, applicant No.5 is wife of applicant No.4, applicant No.6 is her grandmother-in-law and applicant No.7 is her married sister-in-law.

4. The informant further averred in her report that her marriage was performed with the son of applicant Nos.2 and 3 on 28.06.2021. In that marriage, an amount of Rs.1 Lakh, five tolas gold ornaments and other household articles were given. All the applicants and her husband were residing jointly. Initially, she was treated well. After some days of the marriage, the applicants and her husband started to harass her. They were saying that they would have got more dowry if the marriage of her husband was performed with another girl and her family members are beggars. They put demand to bring Rs.1 Lakh for starting a new grocery shop and on that count, they were ill-treating her and beating her. She told them that her father had obtained loan and performed her marriage, hence, he cannot pay that amount. Thereafter, the applicants again started to harass her. All the applicants increased their cruelty. Therefore, she called her relatives i.e. brother Jagdish Bharti, maternal uncle Sunil Puri and neighbourer Kundlik Kangne. They tried to convince the applicants, but all the applicants and her husband insulted them.

5. The informant further averred in her report that, on 13.03.2020, her mother-in-law and her husband mercilessly beaten her for the reason as to why her parents did not give Rs.1 Lakh for

starting a grocery shop and threatened to kill her. Applicant No.2/father-in-law was abusing and taunting her frequently. Applicant No.7/married sister-in-law used to come to her parents house for the festivals and used to insult and abuse the informant. After the cruelty became unbearable, the informant filed an application to the Women Counseling Center, Ambajogai, Dist. Beed, for settlement of dispute. Five dates were fixed for compromise, but it went into vain. Therefore, she lodged the report against the applicants.

6. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. The general, vague and omnibus allegations are made against the applicants. Though a specific incident of cruelty is stated by the informant in the report and by the witnesses in their statement, the fact of cruelty is not establishing from the entire charge-sheet. There is no injury certificate for proving the alleged beating. The false allegation of demand of Rs.1 Lakh are made afterthought. Prior to lodging of the report, a notice was sent to the informant on 30.07.2022. The report is lodged thereafter. The essential ingredients of offences punishable under Sections 498-A, 323, 504, 506 of I.P.C. are not establishing against the applicants. If the applicants are compelled to face the trial, it

would certainly be an abuse of process of Court. It is lastly prayed to allow the application.

7. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty against the applicants. Their names are mentioned in the F.I.R. The applicants treated the informant with cruelty by demanding money, abusing her, insulting her, beating her, etc. and caused physical and mental cruelty and compelled her to reside at her parents house. It is lastly prayed to reject the application.

8. Learned Advocate for respondent No.3/informant also strongly opposed the application and submitted that the applicants are involved in the crime of treating the informant with cruelty by demanding money, abusing her, insulting her and beating her. The specific incidents are stated by the informant in the report. The names of the applicants are stated in the report. There are statements of witnesses corroborating with the version of the informant. There is a strong evidence against the applicants to proceed further with the trial. Therefore, the application deserves to be rejected as there is a reliable evidence against the applicants to establish the requisites of offences punishable under Sections 498-A, 323, 504, 506 of I.P.C. He prayed to reject the application.

9. In the context of this case, it would be relevant to refer the following authorities :

i) ***Mohammad Wajid and Another Vs. State of U.P. and Another, reported in 2023 SCC Online SC 951; 2023 INSC 683,*** wherein the Hon'ble Supreme Court has laid down the law as follows :-

“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....”

ii) ***CBI vs. Aryan Singh, reported in 2023 SCC Online SC 379,*** in which the Hon'ble Supreme Court has held as follows :-

“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 of Cr.P.C., the Court is not required to conduct the mini trial.”

iii) **Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported in 2025 SCC Online SC 17**, wherein the Hon’ble Supreme Court, in para.9 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.

10. We have perused the report and charge-sheet, particularly the statements of witnesses. The allegations in the F.I.R. and the statements of witnesses are mostly similar. There are allegations of causing cruelty to the informant against applicant Nos.1 and 3. However, their application is withdrawn. It is not stated in the report that all the applicants have gathered at particular point of time and demanded Rs.1 Lakh for starting a new grocery shop. The allegations of treating the informant with cruelty though made against applicant Nos.2 and 4 to 7 by the informant are not specifically stated with exact date and time. The general, vague and omnibus allegations are made against these applicants, which are not sustainable in the eyes of law.

11. Considering all the aspects and above reasons and law laid down in the authorities cited supra, if the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. We are, therefore, inclined to exercise our powers under Section 482 of the Cr.P.C. to quash the report and charge-sheet in the interest of justice to prevent the abuse of process of Court against applicant Nos.2 and 4 to 7, only. The application deserves to be partly allowed. Hence, the following order is passed.

ORDER

- I) The application is dismissed as withdrawn against applicant Nos.1 and 3.
- II) The application stands allowed to the extent of applicant Nos.2 and 4 to 7.
- III) The First Information Report and charge-sheet in R.C.C. No.301 of 2022, pending before the learned Judicial Magistrate First Class, Ambajogai, Dist. Beed, arising out of Crime bearing No.0126 of 2022, registered at Bardapur Police Station, Dist. Beed, dated 25.08.2022, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.2 and 4 to 7.

12. Since Ms. S.N. Suryawanshi is appointed to represent the cause of respondent No.3/informant, we quantify her legal fees and expenses at Rs.7,000/- (Rupees Seven Thousand Only) to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd