



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

CRIMINAL APPLICATION NO. 955 OF 2024

1. Limbraj s/o Ram Rathod
Age: 76 years, Occupation: Farmer,
Residing At: Devtala, Hasaigan,
Ausa, Latur.
2. Shalubai s/o Limbraj Rathod
Age: 74 years, Occupation : Housewife,
Residing At: Devtala, Hasaigan,
Ausa, Latur.
3. Ankush s/o Limbraj Rathod
Age: 33 years, Occupation: Farmer,
Residing At: Devtala, Hasaigan,
Ausa, Latur.
4. Lahukumar s/o Limbraj Rathod
Age: 35 years; Occupation: Police Service
Residing At: Flat No. 144, 14th Floor,
Building A, Amantra Housing Complex,
Bhiwandi, Ranjnoli, Thane - 421 302.

... Applicants

Versus

1. The State of Maharashtra,
Through Officer In Charge,
Bhada Police Station, Latur
District - Latur, Maharashtra.
2. Pooja @ Priyanka W/o Prashant Rathod
Age: 20 years; Occupation: Housewife
R/o: At: Ekambi Tanda. Tal. Ausa.
Dist. Latur.

... Respondents

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Mr. Shritej Surve, Advocate for Applicants.
Mr. G. A. Kulkarni, APP for Respondent No.1 / State.
Mr. Hrishikesh V. Tungar, Advocate for Respondent No.2.

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

RESERVED ON : 25th April, 2025.

PRONOUNCED ON : 07th May, 2025.

J U D G M E N T : (Per Sanjay A. Deshmukh, J.)

1 Rule. Rule made returnable forthwith. With the consent of the learned Advocates appearing for the parties, heard finally at the stage of admission.

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 (for short the "report") bearing Crime No.220 of 2023, dated 13th October, 2023, registered with Bhada Police Station, District Latur, for the offences punishable under Sections 498-A, 377, 313, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860, as well as the consequential charge-sheet and proceedings in Regular Criminal Case No.712 of 2023, pending in the Court of learned Judicial Magistrate First Class, Ausa, District Latur.

3 Applicant Nos.1 and 2 are the parents-in-law and applicant Nos.3 and 4 are the brothers-in-law of the informant / respondent No.2.

4 The respondent No.2 / informant averred in the report that

she married with the son of applicant Nos.1 and 2 on 6th February, 2022. In her marriage, her parents spent approximately Rs.15,00,000/- on the marriage, which included Rs.5,50,000/- as dowry, Rs.80,000/- in cash for other ceremony-related expenses, 11.5 tolas gold ornaments, and household articles worth Rs.3,00,000/-.

5 The informant further averred that after the marriage, the informant started to reside at her matrimonial home in the village Devtala for about a month. Initially, for 2 – 3 days, she was treated well. However, thereafter, on this or that count, the applicants and her husband used to beat her, keep her on starvation, use obscene language, and continuously harass her on the ground that her parents did not pay sufficient dowry. They continuously demanded Rs.10,00,000/- to her.

6 The informant further averred that she did not reveal those facts to anyone initially and silently bore the ill-treatment, as her father had taken a loan from private money lender to arrange her marriage. During this time, the informant became pregnant. Despite knowing this, all the accused harassed the informant continuously. On the instigation of the applicants, her husband demanded money and kicked on her stomach, resulting in a miscarriage in the second month of pregnancy. When the informant informed her parents about the incident, she was admitted to G.G. Birajdar Memorial Hospital, Latur,

on 3rd June, 2022 for treatment. Thereafter, her parents and relatives tried to convince the applicants and husband of informant and sent her back to her husband at Bhayander Pada, Mumbai. For some time, she was treated well. Thereafter, he used to return home under the influence of liquor and beat her on trivial matters. He again demanded Rs.10,00,000/- from her, threatening that unless the money was paid by her parents, she would not be allowed to live peacefully. Her husband was committing unnatural sexual intercourse with her. When she resisted, he beat her and continued such sexual abuse. Despite this, the informant continued to stay silently at her matrimonial home without informing those cruelties to her parents.

7 The informant further averred that later, she came to know that her husband had illicit relations with a female police officer. When she questioned him, he beat her mercilessly and said he would continue the affair. Eventually, due to a dispute between her husband and the said woman, the woman filed a criminal complaint against her husband. Thereafter, informant and her husband moved back to Devtala. During this period, she again became pregnant. However, once again, her husband and the applicants demanded Rs.10,00,000/- for purchasing a flat and beat her while she was three months pregnant, causing a second miscarriage. She was treated at Karmudi Hospital, Ausa on 29th September, 2022. Thereafter, her parents again

sent her back to her husband's house. For some days, she was treated well. Thereafter, under the influence of liquor, her husband beat her on petty reasons. He continued to have unnatural intercourse with her against her will.

8 The informant further averred that on 12th October, 2022, all the accused assaulted her again on a petty issue and threatened to kill her. She filed a complaint at Killari Police Station, where an NC bearing No.567 of 2022 was registered. Later, while she was staying at her maternal home at Ekambi Tanda, her husband came there and promised not to trouble her anymore. He took her back to Devtala and later to Bhayander Pada, Mumbai. She was treated well for 1 and ½ – 2 months. Thereafter, on the instigation of applicants, her husband once again demanded Rs.10,00,000/- and beat her. During her third pregnancy, despite her husband being aware of her condition, her husband demanded that amount and kicked on her stomach, which again resulted in severe pain and medical complications. She called her parents, who took her to Parvati Hospital, Osmanabad, for treatment on 29th March, 2023. She stayed at her maternal home for two months undergoing treatment.

9 The informant further averred that thereafter, her husband made phone calls to her and assured her that he would not harass her anymore. On this promise, her parents sent her back to live with him

at Kasarvadavali, Mumbai. Initially, her husband treated her well for about fifteen days, but thereafter, by demanding money, he beat her, continued extra-marital affairs, and fell into addiction to drugs such as Charas, Ganja and Drugs (M.D.). He started staying at dance bars all night and returning in the morning. When the informant questioned him, he used to say, *"I will continue going to bars and consuming drugs. Do what you want."* He took away all her gold jewelry and continued his illicit relationship.

10 The informant further averred that on 24th August, 2023, at night, her husband again demanded Rs.10,00,000/- and on the instigation of the applicants, he beat her severely and threatened to kill her. The informant told that fact to her parents. Upon that, on 26th August, 2023, her brother came and took her to her maternal home. On 1st September, 2023, she made a written complaint against her husband and the applicants at the Women's Counseling Centre, Police Station AUSA. On 04th October, 2023, all parties were summoned. After counseling, she returned to her maternal home. However, on the same evening, around 8:00 p.m., her husband and applicant Nos.1 to 3 came to her maternal home at Ekambi Tanda. They entered the house and assaulted her, asking why she had filed a complaint. They threatened her parents and stated that unless Rs.10,00,000/- was paid, they would not take the informant back and allow her to cohabit

with her husband. Thereafter, she lodged the report.

11 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime due to matrimonial discord between the informant and her husband. He submitted that general and vague allegations are made against the applicants. They are implicated in the crime with an ulterior motive to harass the applicants, who are the relatives of the husband. If the applicants are compelled to face the trial, they will certainly suffer. He lastly prayed to allow the application to prevent the abuse of the process of Court in the interest of justice.

12 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. They have demanded Rs.10,00,000/- for purchasing a flat. Their names are mentioned in the report. They treated the informant with cruelty. The provisions under Section 482 of the Cr.P.C. cannot be exercised in their favour. He lastly prayed to reject the application.

13 The learned counsel for the informant / respondent No.2 also strongly opposed the application. He submitted that the names of the applicants are mentioned in the report with their specific roles.

They are involved in serious crime causing cruelty. They have committed anti-social crime. There is strong evidence against the applicants. He lastly prayed to reject the application.

14 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....”

15 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 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.”

16 We have perused charge-sheet, particularly, the report and the statements of witnesses. The witnesses have mostly stated the facts stated by the informant in her report. The husband of informant is serving in the police department at Mumbai. Applicant No.3 is residing at Devtala, Hasaigan, AUSA, Latur and applicant No.4 is residing at Bhiwandi, Ranjnoli, Thane. All the allegations about the incidents those took place in Mumbai are made against her husband. The allegations of causing serious cruelty to the informant are made, against the husband of informant. Her husband is not a party to this application. The informant was residing with her husband at different places. Though there are allegations of demand on the part of the applicants, no specific incident is stated as to when they gathered together and demanded Rs.10,00,000/- to the informant for purchasing a flat. Vague and general allegations are made against the applicants. If all these aspects are considered together, then certainly the essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC are not establishing against the applicants.

17 Considering all the material facts and circumstances of the case and law laid down in the above authorities, we are of the view that it would be an abuse of the process of Court if the applicants are directed to face the trial. Therefore, we are 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 Court. The application deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. Crime No.220 of 2023, dated 13th October, 2023, registered with Bhada Police Station, District Latur, for the offences punishable under Sections 498-A, 377, 313, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860, as well as the consequential charge-sheet and proceedings in Regular Criminal Case No.712 of 2023, pending in the Court of learned Judicial Magistrate First Class, Ausa, District Latur, stands quashed as against all the applicants.
- III. Rule is made absolute in the above terms.

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