



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

CRIMINAL APPLICATION NO. 2693 OF 2023

1. Baliram Bapurao Gaikwad,
(Cousin Father-in-Law)
Age-59 years, Occupation- Pensioner,
R/o. Flat No. A-02,
Trishul App. Santoshi Nagar,
Narali Bag, Aurangabad,
Tq. & Dist. Aurangabad.
2. Swapnali Guarav Shinde,
(Sister-in-Law)
Age-32 years, Occupation- Household,
R/o. Akshay Building, Block No.10,
P.W.D Quarters, Ramdaspath, Akola,
Tq. & Dist. Akola.

... Applicants
(Accused)

Versus

1. The State of Maharashtra,
Through Police Station Purna,
Tq Purna. Dist. Parbhani.
2. Sonali w/o. Swapnil Gaikwad,
Age-25 years, Occupation-Household,
R/o. C/o Balasaheb Kale,
Near Narsing Temple, Erandeshwar,
Tq. Purna Dist. Parbhani.

... Respondents

[Respondent no.2 is original informant]

...
Mr. Sanket Sunil Shinde, Advocate for Applicants.
Mr. N. R. Dayama, APP for Respondent No.1 / State.
Mr. Pravin N. Kalani, Advocate for Respondent No.2.

...

AND

CRIMINAL APPLICATION NO. 1070 OF 2024

1. Sambhaji Bapurao Gaikwad
Age-64 years, Occupation- Pensioner,
R/o. At. P.O. Ukhali, Tq. Aundha Nagnath,
Dist. Hingoli.
2. Mandabai Sambhaji Gaikwad
Age-58 years, Occupation- Household,
R/o. At. P.O. Ukhali, Tq. Aundha Nagnath,
Dist. Hingoli.
3. Rajabhau Balasaheb Kadam
Age-46 years, Occupation- Agril,
R/o. At. Tapovan, Tq. Aundha Nagnath,
Dist. Hingoli.

... Applicants
(Accused)

Versus

1. The State of Maharashtra,
Through Police Station Purna,
Tq Purna. Dist. Parbhani.
2. Sonali w/o. Swapnil Gaikwad,
Age-25 years, Occupation-Household,
R/o. C/o Balasaheb Kale,
Near Narsing Temple, Erandeshwar,
Tq. Purna Dist. Parbhani.

... Respondents

[Respondent no.2 is original informant]

...

Mr. Sanket Sunil Shinde, Advocate for Applicants.
Mr. N. R. Dayama, APP for Respondent No.1 / State.
Mr. Pravin N. Kalani, Advocate for Respondent No.2.

...

AND**CRIMINAL APPLICATION NO. 1075 OF 2024**

1. Chaya D/o Madan Kute,
Age-35 years, Occupation- Household,
R/o. C/o Madan Yadavrao Kute,
At Pimpalgaon, Hajam, Post. Hatta,
Tq. Wasmal, Dist. Hingoli.
2. Madan S/o Yadavrao Kute,
Age-66 years, Occupation- Agriculturist,
R/o. at Pimpalgaon, Hajam, Post. Hatta,
Tq. Wasmal, Dist. Hingoli.
3. Saraswati W/o Madan Kute,
Age-51 years, Occupation- Household,
R/o. at Pimpalgaon, Hajam, Post. Hatta,
Tq. Wasmal, Dist. Hingoli

... Applicants
(Accused)

Versus

1. The State of Maharashtra,
Through Police Station Purna,
Tq Purna. Dist. Parbhani.
2. Sonali w/o. Swapnil Gaikwad,
Age-25 years, Occupation-Household,
R/o. C/o Balasaheb Kale,
Near Narsing Temple, Erandeshwar,
Tq. Purna Dist. Parbhani.

... Respondents
[Respondent no.2 is Informant]

...

Mr. Krushna S. Solanke, Advocate for Applicants.
Mr. N. R. Dayama, APP for Respondent No.1 / State.
Mr. Pravin N. Kalani, Advocate for Respondent No.2.

...

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

DATE : 04th July, 2025.

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

1 Heard the learned advocates for the respective parties.

2 These applications are filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing of the proceedings in R.C.C. No.177 of 2023, pending in the Court of learned Judicial Magistrate First Class, Purna, District Parbhani, arising out of FIR bearing Crime No.144 of 2023, dated 28th June, 2023, registered with Purna Police Station, District Parbhani, for the offences punishable under Sections 498-A, 494, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short “the IPC”).

3 In Criminal Application No.2693 of 2023, applicant No.1 is the cousin father-in-law of the informant / respondent No.2. Applicant No.2 is the sister-in-law of the informant.

4 In Criminal Application No.1070 of 2024, applicant Nos.1 and 2 are parents-in-law of the informant / respondent No.2. Applicant No.3 is the maternal uncle-in-law of the informant.

5 In Criminal Application No.1075 of 2024, applicant No.1 is

the second wife of accused No.1. Applicant Nos.2 and 3 are the parents of applicant No.1.

6 Respondent No.2 / informant averred in the report that her marriage was solemnized on 24th April, 2018 with accused No.1, who is employed as a teacher at an institution. The marriage was arranged on the assurance that the groom was a teacher. Her father incurred approximately Rs.30 lakhs in marriage expenses, including Rs.12 lakhs in dowry, five tolas of gold, and also provided household articles for the couple. The marriage was arranged through the mediation of Pandurang Kale, Jagannath Gaikwad, Ganpat Khating and Sopan Govindrao Kadam.

7 The informant further averred that after the marriage, she was treated well for two months at her matrimonial home by her husband and parents-in-law. Thereafter, they started to abuse her by saying that she is not good-looking, that she did not know how to cook, and that she was mentally weak. She was frequently treated with cruelty by her mother-in-law and husband, and her husband also assaulted her. He demanded Rs.5 lakhs from her parental home for purchasing a car, and insisted that she should bring the said amount from her father, failing which she would not be allowed to stay in the matrimonial home. Once when she had returned to her parental

home, her husband came to Erandeshwar and assaulted her, demanding to know whether her father would give Rs.5 lakhs for purchasing a car. Her mother intervened and saved her.

8 The informant further averred that during her stay at her matrimonial home, her husband's uncle, namely applicant-Baliram Gaikwad also abused her, calling her mentally deficient and insisted that she should be left by her husband. On 27th August, 2018, her husband along with her parents-in-law again demanded Rs.5 lakhs for the purchasing a car from her father and assaulted her, causing injuries to her head. Thereafter, she was driven out from the house. She remained outside the house, starving, until her father arrived and took her to a hospital at Jawala Bazar, where she was medically treated. The doctor recommended a CT scan of her head. Since she is residing at her parental home.

9 The informant further averred that her father had taken her to the matrimonial home on 4 – 5 occasions to resume cohabitation, but the in-laws refused to accept her, saying that she was not good-looking, did not know household work, and was mentally deficient. They stated unequivocally that unless her father gave Rs.5 lakhs for purchasing a car, she would not be allowed to enter their home. These statements were made in the presence of Shridharrao Govindrao

Kadam, Yadavrao Kadam and Daulatrao Kadam.

10 The informant further averred that on the occasion of the Panchami festival, when applicant-Swapnali (her sister-in-law) came to the house, she also assaulted the informant and tried to drive her out and also threatened to kill her. The informant came to know from relatives that her husband had married another woman namely, applicant-Chhaya. The said marriage was solemnized with the consent and assistance of applicant-Madan, applicant-Saraswati and applicant-Baliram, and the ceremony took place at applicant-Baliram's house in Aurangabad. Therefore, she lodged the report.

11 The learned advocates for the applicants submitted that the applicants are falsely implicated in the crime. False allegation of demand of money for purchasing a car is made against the applicants. There is no cogent and acceptable evidence against the applicants. Vague and general allegations are made against the applicants. They lastly prayed to allow the applications.

12 The learned APP for the State and the learned counsel for respondent No.2 / informant strongly opposed the application and submitted that the applicants are involved in a serious crime. Their names are mentioned in the report. They treated informant with

cruelty. They have committed anti-social crime. They lastly prayed to reject the applications.

13 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....”

14 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.”

15 We have perused the charge-sheet, particularly, the report and the statements of witnesses. The witnesses have stated the similar facts as stated by the informant in her report.

16 The husband of the informant is not party to these applications. Though the informant averred in the report that she was beaten by her husband and in-laws on 27th August, 2018 and she sustained an injury to her head, a CT scan was recommended, however, no such documentary evidence has been produced to show that a CT scan was done. What was the weapon in their hands for beating is not stated. It is vaguely stated that she was beaten by her parents-in-law and sister-in-law. Though allegations of demand of money on the part of the applicants are made, those are vague and general allegations without stating specific incident, except the incident dated 27th August, 2018, which is not supported by the medical evidence. The specific role of these applicants is not stated either in the report or in the statements of witnesses. The allegations of cruelty are made, which was lastly occurred on 27th August, 2018. The report

is lodged on 28th June, 2023. Thus, the report is not lodged within three years as provided in Section 468 of the Cr.P.C. The report is therefore, barred by the law of limitation, in view of law laid down by Honourable Supreme Court in the case of ***Arun Vyas and another Vs. Anita Vyas***, reported in, ***(1999) 4 SCC 690***. Thus, 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 all the applications, in the interest of justice to prevent the abuse of process of the Court. Hence, the following order:-

ORDER

- I. All the three applications are allowed.
- II. The proceedings in R.C.C. No.177 of 2023, pending in the Court of learned Judicial Magistrate First Class, Purna, District Parbhani, arising out of FIR bearing Crime No.144 of 2023, dated 28th June, 2023, registered with Purna Police Station, District Parbhani, for the offences punishable under Sections 498-A, 494, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed as against all the applicants.

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