



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

CRIMINAL APPLICATION NO. 676 OF 2021

1. Jaywant S/o. Bhimrao Kamthe,
Age-46 years, Occu.: Service as Teacher,
R/o: N-3 CIDCO Aurangabad.
2. Bhimrao S/o. Hiranman Kamthe
Age-80 years, Occu.: Pensioner,
R/o; Kendhali Tq. Mantha Dist. Jalna.
3. Ramabai W/o Bhimrao Kamthe,
Age: 72 years, Occu. Household,
R/o; Kendhali Tq. Mantha Dist. Jalna.
4. Meena Sarjerao Kamble,
Age: 54 years, Occu-Agril,
R/o; Kendhali Tq. Mantha Dist. Jalna.
5. Sarjerao Govindrao Kamble,
Age: 60 years, Occu-Agril,
R/o; Kendhali Tq. Mantha Dist. Jalna.
6. Usha Shivaji Waghmare,
Age:49 years, Occu- Service as Teacher,
R/o:- Selu Tq. Selu,
Dist. Parbhani.
7. Archana Subhash Pradhan,
Age: 38 years, Occu. Service as Engineer,
R/o: Pangarkar Nagar Jalna
Tq. and Dist. Jalna.

... Applicants
(Ori. Accused No. 1 to 7)

Versus

1. State of Maharashtra,
Through Investigation Officer,
Selu Police Station,
Tq. Selu Dist. Parbhani.

2. Jayshree W/o. Jaywant Kamthe,
Age-40 years, Occu.: Household
R/o. M-2, 20/2, Hudco, N-9,
Sant Dnyaneshwar Nagar, Aurangabad.
At present Adarsh Nagar Selu,
Tq- Selu Dist- Parbhani.

... Respondents
(R-2 is Ori. Complainant)

...

Mr. Gautam J. Pahilwan, Advocate for Applicants.

Mr. N. R. Dayama, APP for respondent No.1 / State.

Mr. Amol A. Pawar, h/f Mr. Joslyn Menezes, Advocates for Respondent No.2.

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

DATE : 16th July, 2025.

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

1 Heard the learned advocates for the respective parties.

2 The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashment of the proceedings in R.C.C. No.60 of 2021, pending before the learned Judicial Magistrate First Class, Sailu. The said proceedings arise out of FIR bearing Crime No.37 of 2021, dated 1st February, 2021, registered with Sailu Police Station, District Parbhani, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of Indian Penal Code, 1860 (for short "the IPC").

3 When this Court expressed disinclination to grant relief of quashment of the report as well as the proceedings to applicant No.1, the learned counsel for the applicants, on instructions, seeks leave to withdraw his application. Leave is granted.

4 Applicant Nos.2 and 3 is the parents-in-law of the informant / respondent No.2. Applicant Nos.4 and 6 are the sisters-in-law of the informant. Applicant No.5 is the husband of applicant No.4. Applicant No.7 is the maternal cousin of husband of informant.

5 Respondent No.2 / informant averred in the report that her marriage was solemnized with the son of applicant Nos.2 and 3 on 6th June, 1999. At the time of marriage, her parents gave a seven-gram gold ring, a three-tola gold locket and other ornaments totaling ten tolas of gold, alongwith Rs.1,00,000/- in cash and household articles worth approximately Rs.1,00,000/-, including a refrigerator, cupboard, bed, mattress, washing machine, television and kitchen utensils. From the said wedlock, the informant gave birth to a son named Siddhant, aged 19 years and a daughter named Srushti, aged 14 years. After the marriage, she resided at her matrimonial home with her husband and applicant Nos.2 to 5. Applicant No.6 Usha frequently visited the matrimonial home of the informant and used to stay there for long extended periods.

6 The informant further averred that she was treated well for the initial six months after marriage. However, her husband was addicted to liquor. He used to beat her. Applicant Nos.2 and 3 supported her husband and used to say that the informant was not a suitable wife for their son and that she was incapable of doing household or agricultural work. She was constantly insulted and treated with cruelty.

7 The informant further averred that applicant Nos.4 to 6 often came to her matrimonial home and abused her in vulgar language. They frequently taunted her for not having a job, accused her of being a burden on their family, and pressured her to leave her husband. They also beat her.

8 The informant further averred that whenever she returned to her parental home during festivals, she informed her mother and other family members about the harassment. Subsequently, her parents, brother Gautam Salve and other family members convened a meeting at her maternal home and convinced her husband and his family to treat her well. Thereafter, as her husband was employed in Aurangabad, the informant moved there to stay with him.

9 The informant further averred that from the year 2017, her husband started engaging in various businesses, which led to financial losses. Thereafter, he started to consume alcohol excessively, and started to beat the informant and their children frequently. He used to say that the informant was of no benefit to him, and expressed a desire to marry his maternal uncle's daughter, who was employed. He told the informant that he did not want to live with her anymore and demanded that she should bring Rs.10,00,000/- from her parents to compensate for his business losses, failing which he threatened to kill her. When the informant communicated this situation to her in-laws, they came to Aurangabad, but instead of supporting, they abused her and supported the husband of informant. The in-laws never contributed to the household, and as a result, she and her children often starved. They supported demands and actions of the husband of informant.

10 The informant further averred that on one occasion, applicant No.7 came to their residence and abused the informant, stating that she wished to marry the husband of informant. She also slapped the informant. Therefore, the informant returned to her parental home and narrated the events to her parents and brother. Thereafter, her parents invited her husband and applicant Nos. 2 and 3 to Sailu in February, 2020. However, instead of resolving the matter

amicably, they abused her parents and demanded Rs.10,00,000/-, stating that they would not take the informant back unless the said amount was paid. Her father expressed his inability to pay that amount and reminded them that they had already given substantial dowry and Rs.3,00,000/- for house construction. Enraged by this, they refused to accept the informant back. Subsequently, on two to three occasions, her father, brother and others took the informant to her matrimonial home, but she was not allowed to reside there. Therefore, the informant submitted a complaint against her husband and in-laws at the Women Counseling Centre at Sailu in January, 2019. However, since she was willing to continue cohabiting, she did not pursue further action at that time. Later, she once again submitted an application to the same centre, but despite being summoned for meetings, her husband and the in-laws did not agree to allow her for cohabitation. Therefore, she lodged the report against the applicants.

11 The learned counsel for the applicants submitted that applicant Nos.2 to 7 are falsely implicated in the crime. There is no cogent and acceptable evidence against them. Only vague and general allegations are made against him. If they are compelled to face the trial, it would be an abuse of the process of the Court. He lastly prayed to allow the application.

12 The learned APP for the State and the learned counsel for the informant / respondent No.2 strongly opposed the application and submitted that applicant Nos.2 to 7 are involved in a serious offence. Their names are specifically mentioned in the report. They instigated the husband of the informant. They committed an anti-social crime. There is strong evidence against them. Therefore, they lastly prayed to reject the application.

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 similar facts as stated by the informant in the report.

16 The application of applicant No.1 is withdrawn. So far as applicant Nos.2 to 7 are concerned, general and vague allegations are made against them that they caused cruelty to the informant. It is an admitted fact that the informant was residing with her husband in Aurangabad, where her husband was running his business. No specific incident of causing cruelty to the informant on the part of applicant Nos.2 to 7 is stated by the informant in the report. The essential ingredients of Sections 498-A, 323, 504 and 506 are not established against applicant Nos.2 to 7. If the entire material is

considered together with the reasons discussed above, then it would certainly be an abuse of the process of the Court, if applicant Nos.2 to 7 are directed to face the trial. We are therefore, inclined to allow the application to the extent of applicant Nos.2 to 7, by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice and to prevent the abuse of the process of the Court. The application, therefore, deserves to be partly allowed. Hence, the following order:-

ORDER

- I. The application is partly allowed.
- II. The application of applicant No.1 stands dismissed as withdrawn.
- III. The proceedings in R.C.C. No.60 of 2021, pending in the Court of the learned Judicial Magistrate First Class, Sailu, arising out of FIR bearing Crime No.37 of 2021, dated 1st February, 2021, registered with Sailu Police Station, District Parbhani, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of Indian Penal Code, stands quashed to the extent of applicant Nos.2 to 7 only.

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