



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

CRIMINAL APPLICATION NO. 1133 OF 2024

1. Pravin S/o. Uttam Nikumbe,
Age : 32 Years, Occu. : Service,
R/o. Mulbrij Nagar, Shahada,
Dist. Nandurbar.
2. Uttam S/o. Narayan Nikumbe,
Age : 57 Years, Occu. : Agri.,
R/o. Mulbrij Nagar, Shahada,
Dist. Nandurbar.
3. Mangalabai W/o. Uttam Nikumbe,
Age : 53 Years, Occu. : Household,
R/o. Mulbrij Nagar, Shahada,
Dist. Nandurbar.
4. Devbhau @ Devidas Ananda Savle,
Age : 64 Years, Occu. : Agri.,
R/o. At post Umrud Khurd,
Tq. & Dist. Nandurbar.
5. Taibai @ Chandanabai W/o. Devidas Salave,
Age : 58 Years, Occu. : Agri.,
R/o. At post Umrud Khurd,
Tq. & Dist. Nandurbar.
6. Mona @ Suajata W/o. Sharad Salave,
Age : 28 Years, Occu. : Household,
R/o. At post Umrud Khurd,
Tq. & Dist. Nandurbar.
7. Sharad S/o. Devidas Salave,
Age : 37 Years, Occu. : Agri.,
R/o. At post Umrud Khurd,
Tq. & Dist. Nandurbar.

.... Applicants

VERSUS

1. The State of Maharashtra.
2. Vaishali Pravin Nikumbe,
Age : 22 Years, Occu. : Household,
R/o. Parivardha, Tq. Shahada,
Dist. Nandurbar.

.... Respondents

....
Advocate for Applicants : Mr. S.A. Kulkarni and Ms. R.L. Jakhade
APP for Respondent No.1-State : Mr. S.A. Gaikwad
Advocate for Respondent No.2 : Mr. Amit Savale
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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 09th June 2025

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

1. Heard learned Advocate for both the sides as well as learned APP for the State.
2. This is an application for quashing the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.83 of 2023, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Shahada, Dist. Nandurbar, arising out of Crime bearing No.0074 of 2023, registered with Shahada Police Station, Dist. Nandurbar, dated 21.02.2023, for the offences punishable under

Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”)

3. After hearing both the sides, when this Court expressed disinclination to grant any relief to applicant Nos.1 to 3, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant Nos.1 to 3. Therefore, vide order dated 26.03.2024, this application is dismissed as withdrawn against applicant Nos.1 to 3.

4. Learned Advocate for the applicants pointed out the report dated 21.02.2023, in which respondent No.2/informant averred that applicant No.1 is her husband, applicant No.2 is father-in-law, applicant No.3 is her mother-in-law, applicant No.4 is her cousin father-in-law, applicant No.5 is her cousin mother-in-law, applicant No.6 is wife of applicant No.7, who is her cousin brother-in-law.

5. The informant further averred in her report that she married with applicant No.1 on 17.04.2022, who is serving as a Police Constable in the Maharashtra State. After marriage, she was residing with her husband at Shahada, Dist. Nandurbar. Her parents-in-law i.e.

applicant Nos.2 and 3 were treating her with cruelty on petty reasons. They were saying that "you have got a good house free of cost". Her husband was doubting her character. When she was residing with applicant Nos.2 and 3 at Shahada, they used to insult her. Her ornaments were taken out by applicant Nos.2 and 3.

6. The informant further averred in her report that, due to the mental stress of that incident of harassment, she could not have a meal for two days. Therefore, she fainted and fell down because of weakness. She was admitted in the Kulkarni Hospital. Thereafter, applicant Nos.1 to 3 felt that she is suffering from mental illness. They took her to the Hospital at Shirpur, but the Doctor was not available there. Therefore, she was taken to the Vignaharta Super Speciality Hospital and she was declared as suffering from mental illness.

7. The informant further averred in her report that she was appearing for the third year examination of Open University, but her husband said that "because of his job, he cannot drop her to the examination center". Therefore, she was taken to her parents house at Parivardha. There, she was suffered by the weakness. Therefore, she was taken to the Dr. Kishor Amodkar's Hospital and it was stated that there was hemoglobin deficiency. Doctor stated that twenty to twenty

two days are required for her treatment. She continued that treatment.

8. The informant further averred in her report that, thereafter, on 22.07.2022, all of a sudden, her husband made phone call to her and directed her to come with any family member at Nandurbar for medical examination. She said that her parents and brother have gone to Surat, therefore, she is not able to come today. Her husband insisted her to come that day itself and threatened to think about her future. Therefore, she along with her uncle Mr. Mukund Panpatil went to Nandurbar for treatment of Gynecologist Dr. Seema Shah's Hospital. She was compelled to face sonography test by the applicants despite she was not having any illness of stomach. Thereafter, the applicants sent her back at Shahada without giving any details of medical examination or medical test.

9. The informant further averred in her report that, on 25.07.2022 at 12.00 p.m., all the applicants came at her parents house and told her parents that "your daughter is unable to procreate a child ". When she asked about the report of Dr. Seema Shah, they abused, threatened and went away. Therefore, she lodged the report

alleging that she was harassed by the applicants by alleging that she has illness of epilepsy, she is not able to procreate a child, she is mentally ill and spread that information amongst the relatives and defamed her.

10. Learned Advocate for the applicants submitted that applicant Nos.4 to 7 are falsely implicated in the crime. General and vague allegations are made against these applicants. Though a specific incident of cruelty is stated by the informant in the report and by the witnesses in their statements, the fact of cruelty is not establishing from the entire charge-sheet against these applicants. The false allegations of cruelty is made against these applicants. The essential ingredients of offences punishable under Sections 498-A, 504, 506 of I.P.C. are not establishing against these applicants. If they are compelled to face the trial, it would certainly be an abuse of process of Court. It is lastly prayed to allow the application.

11. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty against applicant Nos.4 to 7. Their names are mentioned in the F.I.R. The applicants treated the informant with cruelty by making allegations of suffering from mental illness and caused physical and

mental cruelty and compelled her to reside at her parents house. It is lastly prayed to reject the application.

12. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that applicant Nos.4 to 7 are involved in the crime of treating the informant with cruelty. The specific incidents are stated by the informant in the report that these applicants forced the informant to go through the medical treatment for mental illness. The name of these applicants are mentioned in the F.I.R. There are statements of witnesses corroborating with the version of the informant. There is a strong evidence against these applicants to proceed further with the trial. Therefore, the application deserves to be rejected as there is a reliable evidence against these applicants to establish the requisites of offences punishable under Sections 498-A, 504, 506 of I.P.C. He prayed to reject the application.

13. 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.

14. We have perused the charge-sheet, particularly the report and statements of witnesses. As far as the allegation of trying to declare infertility of the informant is concerned, no document of Dr. Seema Shah, is produced on record to prove the cruelty that the informant is not able to procreate a child. Though the allegation of alleged harassment dated 25.07.2022 are made, those are also vague and not sufficient to establish the requisites of Sections 498-A, 504, 506 of the I.P.C. against applicant Nos.4 to 7. The cruelty either coupled with the demand of money or driving to commit suicide is not establishing either from the report and the statements of witnesses against applicant Nos.4 to 7. The vague and general allegations are made against applicant Nos.4 to 7. The specific allegations of cruelty are made against applicant Nos.1 to 3. However, they have withdrawn their application.

15. Considering all the aspects and above reasons and law laid down in the authorities cited supra, if applicant Nos.4 to 7 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.4 to 7. 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 to 3.
- II) The application stands allowed to the extent of applicant Nos.4 to 7.
- III) The First Information Report and charge-sheet in R.C.C. No.83 of 2023, pending before the learned Judicial Magistrate First Class, Shahada, Dist. Nandurbar, arising out of Crime bearing No.0074 of 2023, registered with Shahada Police Station, Dist. Nandurbar, dated 21.02.2023, for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code stands quashed against applicant Nos.4 to 7.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE