



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

CRIMINAL APPLICATION NO. 1079 OF 2023

1. Kavita w/o Natthu Wankhede,
Age: 59 years, Occu: Household,
R/o. Plot no. 87, Shramsafalya Society,
Walwadi Shivar, Deopur,
Behind Homeguard Office, Dhule.
2. Natthu s/o Sahebrao Wankhede,
Age: 60 years, Occu: Retired,
R/o. As above.
3. Bhatesh s/o Natthu Wankhede,
Age: 32 years, Occu: Service,
R/o. Plot no. 08, Vidya Vihar Colony,
Juna Moida Road, Shahada.
Tq. Shahada Dist: Nandurbar.
4. Harshal Bhatesh Wankhede,
Age: 30 years, Occu: Household
R/o. As Above.

... Applicants
(Orig. Accused Nos.2 to 5)

Versus

1. The State of Maharashtra
Through Police Station Officer,
Sillod City Police Station,
Sillod, Dist: Aurangabad.
2. Utkarsha W/o. Indrajit Wankhede,
Age: 27 years, Occu: Household,
R/o. Plot no. 87, Shramsafalya Society,
Walwadi Shivar, Deopur,
Behind Homeguard Office, Dhule.
At present C/o. Bhanudas Mangilal Patil,
Shivaji Nagar, Sillod,
Tq. Sillod, Dist: Aurangabad.

... Respondents
(Resp. No. 2 Orig. Complainant)

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Mr. Pramod C. Mayure, Advocate for Applicants.

Mrs. P. R. Bharaswadkar, APP for Respondent / State.

Ms. Namita P. Thole, Advocate for Respondent No.2. (Appointed)

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

DATE : 09th April, 2025.

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

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing of Charge-Sheet No.132 of 2022 in Crime No.192 of 2022, dated 13th October, 2022, registered with Sillod City Police Station, District Aurangabad (Rural), for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860, as well as the consequential proceedings in RCC No.01 of 2023, pending in the Court of learned Judicial Magistrate First Class, Sillod.

3 Applicant Nos.1 and 2 are the parents-in-law, applicant No.3 is the brother-in-law and applicant No.4 is the co-sister-in-law of the informant / respondent No.2.

4 The informant averred in the report that she married with the son of applicant Nos.1 and 2 on 6th January, 2021. She was treated well till 15th January, 2021. Thereafter, all the applicants and husband of the informant started to harass her by saying that engagement ceremony was not properly performed. Her husband demanded Rs.2,00,000/- for purchasing a room and buying household articles at Pune. She told him that from where will her father give that amount. At that time, her husband abused her. The applicants used to say that don't allow the informant to talk. They were abusing her and beating her.

5 The informant further averred that her parents-in-law (applicant Nos.1 and 2) used to say that unless they direct, she shall not do anything. Applicant No.4 used to tell her to break the marriage and demand whatever she wanted. Applicant No.5 used to make phone call to the husband of informant and instigated him against her. All the applicants and the husband of informant expelled the informant from the house and warned her that unless she brings Rs.2,00,000/-, she shall not come to their house. They abused and beat her. She was expelled from the house by making phone call to her father and asked him to take the informant back. Accordingly, her father came and took her back to Shivajinagar, Sillod.

6 The informant further averred that on 25th March, 2021, her husband made phone call to the father of informant and told him to bring the informant to Pune. Accordingly, when she and her father went to Pune, her husband demanded Rs.80,000/- to the father of informant for purchasing utensils. That amount was given by the father of the informant to her. She gave it to her husband. Thereafter, on 6th November, 2021, when the informant with her husband came at Shivajinagar, Sillod to her parents' house, her husband demanded Rs.50,000/- to her father as hand loan. Her father paid that amount to him. Thereafter, quarrel took place between the informant and her husband on account of money. Therefore, her husband did not take her to Pune. Thereafter, the parents of the informant took her to the husband's house at Pune. The informant said to her parents-in-laws (applicant Nos.1 and 2) to purchase a flat for herself and her husband. Thereafter, she questioned as to when they will purchase the flat ? At that time, they said the informant to fetch an amount of Rs.15,00,000/- from her father for purchasing the flat. The informant further averred that quarrel took place between herself and her husband on 22nd August, 2022. Because of that, her pregnancy was terminated. She called her father, who came to Pune and brought her back to Sillod. Later, she made application to the Women's Counseling Center at Sillod. Her husband came there, but he abused, assaulted, and threatened to kill her. Applicant No.2 also abused her and applicant

No.3 slapped her. Then she lodged the report.

7 The learned counsel for the applicants submits that the applicants are falsely implicated in the crime. There are vague allegations against them. False allegations of demand of money for purchasing a flat is made against the applicants. The witnesses have given false statements in support of the informant. There is no cogent and acceptable evidence against the applicants. General and omnibus allegations are made against the applicants. He lastly prayed to allow the application.

8 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. They treated informant with cruelty. She lastly prayed to reject the application.

9 The learned counsel for the informant / respondent No.2 also strongly opposed the application. She submitted that the names of the applicants are mentioned in the report. They are involved in serious crime. They have committed anti-social crime. She lastly prayed to reject the application.

10 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....”

11 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.”

12 We have perused the report and the charge-sheet, particularly, the statements of witnesses. The statements of witnesses are supporting to the informant's allegations. The report is lodged on 13th October, 2022. Notice was sent by the husband of informant to her on 12th September, 2022 through an advocate. This shows that the report was lodged after sending of the notice by the husband of informant to her. From the allegations of demand made by the informant, it is crystal clear that the demand of money was made by her husband, who is not party to this proceeding. According to the report, money was paid to him. No specific incident is stated by the informant as to when she said to applicant Nos.1 and 2 as to when they are going to purchase a flat at Pune and they said to the informant to fetch an amount of Rs.15,00,000/- from her father for purchasing the flat. She was residing with her husband at Pune. It is not clarified as to when applicant Nos.1 and 2 went to Pune to harass and treated the informant with cruelty by demanding the amount of Rs.15,00,000/-. The allegations against applicant Nos.3 and 4 are also vague and general in nature. The essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC are not establishing against the applicants. If all these aspects are considered together and on such material if the applicants are compelled to face the trial, it would certainly be an abuse of the process of the Court. We are

therefore, 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, therefore, deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The Charge-Sheet No.132 of 2022 in Crime No.192 of 2022, dated 13th October, 2022, registered with Sillod City Police Station, District Aurangabad (Rural), for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860, as well as the consequential proceedings in RCC No.01 of 2023, pending in the Court of learned Judicial Magistrate First Class, Sillod, stands quashed as against all the applicants.
- III. The fees of Ms. Namita P. Thole, learned appointed counsel for respondent No.2 is quantified at Rs.5,000/- and it is to be paid through the High Court Legal Services Sub-Committee, Aurangabad.

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