



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

**CRIMINAL APPLICATION NO. 1231 OF 2024**

1. Imran S/o. Rashid Ambekar,  
Age : 40 Years, Occu. : Business,  
R/o. Saliwada Mohalla, Paithan,  
Tq. Paithan, Dist. Chh. Sambhajanagar.
2. Rashid S/o. Babamiya Ambekar,  
Age : 68 Years, Occu. : Pensioner,  
R/o. Saliwada Mohalla, Paithan,  
Tq. Paithan, Dist. Chh. Sambhajanagar.
3. Mumtaj W/o. Rashid Ambekar,  
Age : 63 Years, Occu. : Household,  
R/o. Saliwada Mohalla, Paithan,  
Tq. Paithan, Dist. Chh. Sambhajanagar.
4. Farina W/o. Aqueel Manjan,  
Age : 39 Years, Occu. : Household,  
R/o. House No.1159/2, Dhangarwada,  
Paithan, Tq. Paithan,  
Dist. Chh. Sambhajanagar.
5. Tanvir W/o. Jafar Soudagar  
@ Tanvir D/o. Rashid Ambekar,  
Age : 33 Years, Occu. : Unemployed,  
R/o. Flat No.203, Adhikari Nivas,  
2<sup>nd</sup> Floor, Kupar Hospital Campus,  
Bhakti Vedanta Swami Road, Juhu,  
Mumbai.
6. Jafar S/o. Iqbar Soudagar,  
Age : 40 Years, Occu. : Medical Practitioner,  
R/o. Flat No.203, Adhikari Nivas,  
2<sup>nd</sup> Floor, Kupar Hospital Campus,  
Bhakti Vedanta Swami Road, Juhu,  
Mumbai.

7. Madiha D/o. Ikhla Manjan,  
Age : 20 Years, Occu. : Education,  
R/o. Dhangarwada, Paithan,  
Tq. Paithan, Dist. Chh. Sambhajanagar,  
At present R/o. Near Kat Kat Gate,  
Chh. Sambhajanagar.
8. Heenakauser W/o. Moij Ambekar,  
Age : 36 Years, Occu. : Service,  
R/o. 302 Aashirwad Apartment,  
B Wing, Main Road, Behind Naj Hotel,  
Kondva, Pune, Dist. Pune.
9. Moij S/o. Iqbal Ambekar,  
Age : 42 Years, Occu. : Business,  
R/o. 302 Aashirwad Apartment,  
B Wing, Main Road, Behind Naj Hotel,  
Kondva, Pune, Dist. Pune.
10. Aqueel S/o. Rashid Manjan,  
Age : 48 Years, Occu. : Service (Teacher),  
R/o. Dhangarwada, Paithan,  
Tq. Paithan, Dist. Chh. Sambhajanagar.

.... Applicants

**VERSUS**

1. The State of Maharashtra  
Through Pathari Police Station,  
Dist. Parbhani.
2. Anjum Begam W/o. Imran Ambekar,  
Age : 31 Years, Occu. : Household,  
R/o. Pathan Mohalla, Pathari,  
Tq. Pathari, Dist. Parbhani.

.... Respondents

....  
Advocate for Applicants : Mr. Sushant B. Chaudhari  
APP for Respondent No.1-State : Mrs. P.R. Bharaswadkar  
....

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

**Dated : 09<sup>th</sup> June 2025**

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

1. Heard learned Advocate for the applicants 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.92 of 2024, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Pathari, Dist. Parbhani, arising out of Crime bearing No.0006 of 2024, registered with Pathari Police Station, Dist. Parbhani, dated 03.01.2024, for the offences punishable under Sections 498-A, 323, 504 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 No.1/husband, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant No.1. Therefore, vide order dated 19.03.2024, this application is dismissed as withdrawn against applicant No.1.

4. Learned Advocate for the applicants pointed out the report dated 03.01.2024, in which respondent No.2/informant averred that applicant No.2 is her father-in-law, applicant No.3 is her mother-in-law, applicant Nos.4, 5 and 8 are her sisters-in-law, applicant No.6 is the husband of applicant No.5, applicant No.7 is the daughter of applicant No.4, applicant No.9 is the husband of applicant No.8 and applicant No.10 is the husband of applicant No.4.

5. The informant further averred in her report that, she married with Imran S/o. Rashid Ambekar, who is son of applicant Nos.2 and 3, on 28.05.2012. Initially, she was treated well. Thereafter, all the applicants started to harass her by demanding Rs.5 lakhs for purchasing a car. When she was staying with her parents, her husband and applicant Nos.2 to 5 came there and demanded that amount. Her father requested them to take her back for cohabitation and she went for cohabitation with the applicants. Again, all the applicants started to harass her on the same ground. They said that "unless you fetch that amount, we will not allow you to cohabit" and she was being kept on starvation for that amount. Even she and her parents tried to convince them. But it went into vain. The applicants were doubting her character and abusing her. Applicant Nos.2 to 10 were instigating her husband for fetching that amount.

She informed about the harassment to her parents by making a phone call. On 07.10.2022, her parents came there to meet with the applicants. That time, all the applicants harassed her for that amount and she was expelled from the house. She is residing along with her sons with her father. She lodged the report alleging causing cruelty to her.

6. Learned Advocate for the applicants submitted that applicant Nos.2 to 10 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 allegation of demand of Rs.5 Lakhs is made against these applicants. The essential ingredients of offences punishable under Sections 498-A, 323, 504 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.

7. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty by demand of Rs.5 Lakhs for purchasing a car against applicant

Nos.2 to 10. Their names are mentioned in the F.I.R. The applicants treated the informant with cruelty by demanding money and caused physical and mental cruelty and compelled her to reside at her parents house. It is lastly prayed to reject the application.

8. 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.*

9. We have perused the charge-sheet, particularly the report and statements of witnesses. From the perusal of report, it is crystal clear that the allegations made by the informant against applicant Nos.2 to 10 are vague and general. No specific allegations with specific incidents are made against any of these applicants. Their role is not specified as to how they treated the informant with cruelty. Vague and general allegations of cruelty are made against these applicants, which are not sustainable in the eyes of law.

10. Considering all the aspects and above reasons and law laid down in the authorities cited supra, if applicant Nos.2 to 10 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.2 to 10. The application deserves to be partly allowed. Hence, the following order is passed.

**ORDER**

- I) The application is dismissed as withdrawn against applicant No.1.
- II) The application stands allowed to the extent of applicant Nos.2 to 10.
- III) The First Information Report and charge-sheet in R.C.C. No.92 of 2024, pending before the learned Judicial Magistrate First Class, Pathari, Dist. Parbhani, arising out of Crime bearing No.0006 of 2024, registered with Pathari Police Station, Dist. Parbhani, dated 03.01.2024, for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code stands quashed against applicant Nos.2 to 10.

[ SANJAY A. DESHMUKH ]  
JUDGE

[ SMT. VIBHA KANKANWADI ]  
JUDGE