



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

CRIMINAL APPLICATION NO. 1120 OF 2023

1. Daivashala W/o Balaji Sanap,
Age: 60 Years. Occu. Household.
R/o Wagadari Tq. Gangakhed
Dist. Parbhani.
2. Balaji S/o Vitthalrao Sanap,
Age: 66 Years, Occ: Agril.,
R/o As above.
3. Kishor S/o Balaji Sanap,
Age: 40 Years, Occ:Agril.,
R/o As. Above.
4. Sanjivani W/o Karbhari Badne,
Age: 36 Years, Occ: Household.,
R/o Malewadi,
Tq. Parali, Dist. Beed.

... Applicants

Versus

1. The State of Maharashtra
Through its Police Station Tadkalas.
Tq. Gangakhed, Dist. Parabhani.
2. Nita W/o Vikas Sanap,
Age:32 Years, Occu: Private Service,
R/o. Dhanora Kale.
Tq. Purna. Dist. Parbhani.

... Respondents

...
Mr. Nanabhau R. Thorat, Advocate for Applicants.
Smt. P. R. Bharaswadkar, APP for Respondent No.1.
Mr. D. M. Shinde, Advocate for Respondent No.2.

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

DATE : 03rd April, 2025.

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

1 Heard the learned advocates for the respective parties.

2 This is an application under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing the proceedings in R.C.C. No.73 of 2023 and Charge-Sheet No.45 of 2023, pending in the Court of learned Judicial Magistrate First Class, Taluka Purna, District Parbhani, arising out of F.I.R. bearing C.R. No.17 of 2023, registered with Tadkalas Police Station, District Parbhani, for the offences punishable under Sections 498-A, 354, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short "the IPC").

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

4 Applicant No.1 and 2 are the in-laws of the informant / respondent No.2. Applicant No.4 is the sister-in-law of the informant.

5 The informant averred in the report that her marriage was performed with the son of applicant Nos.1 and 2 in the year 2012. Initially she was treated well for one year. Thereafter, the informant gave birth to a daughter viz Ishwari, who is now 9 years old. After that, all the applicants began to insult her. They said to her that if another girl had married their son, they would have received a dowry of more than ten lakhs. This way they were insulting her. When she used to tell that fact to her husband, he used to beat her. For six months to a year, he was not coming to home and when she was questioning him, he was saying that he may stay outside for years and she had no right to question him. When her husband used to come home and if she tried to speak to him, he was beating her and used to say to her that if she wanted to stay, she should stay, or else she should leave his house.

6 The informant further averred that the informant worked as a nurse at a Government Hospital at Palam for a year. However during that time, applicant Nos.1, 2 and 3 harassed her by saying that she should not stay at her workplace, and they insulted and beat her and even directed her daughter that she should not go to the school.

Therefore, she left that job. Later, she joined the service in the Government Hospital at Dhanora Kale, where she had been working for the last year and was living there. While the informant was at work in the hospital, her daughter, Ishwari was alone at home when her brother-in-law and applicant No.1 came to her house. They took important documents and the *Mangalsutra* of informant and also took her daughter Ishwari with them. Afterward, the informant went to the Tadkalas Police Station and made a complaint regarding that incident. Thereafter, her daughter was given back to her.

7 The informant further averred that in the year 2021, during the Diwali festival, the informant went to the applicants' house. They took quarrel with her, abused and beaten her and said her to go back. When the informant was at home in Dhanora Kale, her brother-in-law Kishor Sanap came to her room and looked at her inappropriately. He touched her hand in a manner that made her uncomfortable and shyful. When she pushed him away, he abused and slapped her. Therefore, she lodged the report on 2nd February, 2023.

8 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. There is no cogent and acceptable evidence against the applicants. There is no such specific incident against applicant Nos.1, 2 and 4 to constitute the offence of

cruelty as per Section 498-A and other sections of IPC. General and omnibus allegation are made against the applicants. He lastly prayed to allow the application.

9 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 have committed anti-social crime. She lastly prayed to reject the application.

10 The learned counsel for the informant / respondent No.2 also strongly opposed the application and submitted that the names of the applicants are mentioned in the report. They treated informant with cruelty. He lastly prayed to reject the application.

11 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....”

12 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 that 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.”

13 We have perused the report and the charge-sheet, particularly, the statements of witnesses. The statements of witnesses, who are the relatives of the informant, are similar to that of the informant. Though there are allegations of harassment and cruelty on the part of the applicants that they said to informant that they would

have got rupees ten lakhs if the marriage of her husband would have been performed with another girl. No specific incident is stated as to when they committed such overt act and treated the informant with cruelty. As far as stealing of the documents and *Mangalsutra* is concerned, it is alleged that the mother-in-law and brother-in-law of informant took those documents and *Mangalsutra* from her house. But no such *Mangalsutra* or documents are seized by the investigating officer. There are statements of Ishwari, the daughter of informant and other witnesses, but they have not stated anything about those documents. Which kinds of documents those are, is not stated by the witnesses. It is not sufficient to constitute the offence of cruelty against applicant Nos.1, 2 and 4. Those allegations are vague and omnibus. The report was lodged immediately after that incident. There are allegations of cruelty against applicant No.3, whose application is already withdrawn.

14 If the entire material is considered together, then it would certainly be an abuse of the process of Court, if applicant Nos.1, 2 and 4 are directed to face the trial. We are therefore, inclined to allow the application to the extent of applicant Nos.1, 2 and 4 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 the Court. The application, therefore, deserves to be partly allowed in favour of

applicant Nos.1, 2 and 4. Hence, the following order:-

ORDER

- I. The application of applicant No.3 stands dismissed as withdrawn.
- II. The proceedings in R.C.C. No.73 of 2023 and Charge-Sheet No.45 of 2023, pending in the Court of learned Judicial Magistrate First Class, Taluka Purna, District Parbhani, arising out of F.I.R. bearing C.R. No.17 of 2023, registered with Tadkalas Police Station, District Parbhani, for the offences punishable under Sections 498-A, 354, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed and set aside to the extent of applicant Nos.1, 2 and 4 only.
- III. The application stands disposed of.

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

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