



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1122 OF 2023

1. Dhanraj Namdev Jadhav
Age 33 years, Occ. Labour
(husband)
2. Shantabai Namdev Jadhav
Age 46 years, Occ. Household
(mother in law)
3. Namdev Motiram Jadhav
Age 55 years, Occ. Labour
(Father in law)
4. Sanjay Namdev Jadhav
Age 28 years, Occ. Labour
(brother in law)
5. Kishor Namdeo Jadhav
Age 25 years, Occ. Education
(brother in law)

All R/o. Kusumba,
Tq. and district Jalgaon

...Applicants

Versus

1. The State of Maharashtra
Though its Pachora Police Station,
Tal. Pachora, District Jalgaon
2. Deepali Dhanraj Jadhav
Age 31 years, Occ. Household
R/o. At present Dahigaon Sant,
Tal. Pachora, District Jalgaon

...Respondents

.....
Ms. Shilpa D. Magre h/f V.B. Patil, Advocate for the applicants
Mr. G.A. Kulkarni, A.P.P. for the respondent No.1
Mr. R.C. Bora, Advocate for respondent No.2 (appointed).
.....

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

DATED : 25th JUNE, 2025

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing the F.I.R. No. 23 of 2023 registered with Pachora police station, Tq. Pachora, district Jalgaon, dated 21.01.2023 for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.") and the consequential charge sheet No. 25 of 2023 and criminal case bearing R.C.C. No. 81 of 2023 pending before the Judicial Magistrate, First Class, Pachora, district Jalgaon.
3. The informant averred in the report, applicant No.1 is her husband, applicant Nos 2 and 3 are parents in law and applicant Nos. 4 and 5 brothers in law.
4. The informant further averred in the report that since last three years she is residing at Dahegaon Sant, Tq. Pachora district Jalgaon. Her father is labourer. She married the applicant No.1 on 27.4.2014. All the applicants were residing under one roof at village

Kusumba, Tq and District Jalgaon. She was initially treated well for about one year after the marriage. She begot a baby boy, Dhruv. Her husband is an estate broker. He was in need of four wheeler vehicle for attending the said job and therefore he demanded Rs.2,00,000/- for it. She told him that she is unable to bring that amount as the financial condition of her parents is poor. The applicants were abusing and beating her on that count. They were frequently demanding that amount. She was driven out for that amount. After one year, her parents convinced her and sent her to Kusumba for cohabitation.

5. The informant further averred that again after two years, she begot another son Yashodeep. However, her harassment for demand of money to purchase the four wheeler vehicle was continued. At that time all the applicants abused her and beat her. She told that fact to her parents. Her parents and relatives came there to convince the applicants. At that time also the applicants abused and directed them to take their daughter back. The applicants refused to allow her to cohabit at Kusumba. As the parents of the informant convinced the informant to reside with the applicants, she resided there till June, 2019. Again she was harassed. At that time, she told that fact to her parents. Her parents and other relatives came at Kusumba and tried to convince all the

applicants, however, they abused them and threatened that unless the amount for purchase of four wheeler is paid, they will not allow the informant to cohabit with her husband. Therefore, informant returned with her parents. Thereafter, she made an application to Women's grievance Cell, Jalgaon but the compromise could not take place. Therefore, she lodged the report on 21.01.2023.

6. Learned advocate for the applicants submitted that vague and baseless allegations are made against these applicants, without quoting the specific role of each of the applicants. The date and time of allegation of demand of amount of Rs.2,00,000/- for purchasing of four wheeler is also not specifically mentioned. All allegations are vague and general in nature. There is a delay in lodging the report. From the charge sheet, it appears that all the witnesses whose statements are recorded are from the parental side of the informant. The said statements of the witnesses cannot prove that the harassment and cruelty has been caused to the informant. She further submits that the applicants have been implicated in the crime without any basis. Therefore, she prayed to quash the report as well as the consequential proceedings.

7. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by

submitting that the applicants have treated the informant with cruelty, physically as well as mentally. There was consistent demand of Rs.2,00,000/- for purchase of four wheeler and on account of non fulfillment of the said demand, the applicants have treated the informant with cruelty. The applicants have caused harassment to the informant mentally as well as physically. The names of the applicants are mentioned in the report with specific roles attributed to each of the applicants. They cannot be exonerated from the criminal liability under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

8. It would be relevant to refer to the judgment of the Hon'ble Supreme court in the case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors.**, reported in **2025 SCC Online SC 17**, in which the Hon'ble Supreme Court, in paras 9 and 11 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.*

*11. In the contextual situation, it is also relevant to refer to the decision of this Court in **Mohammad Wajid and Another v. State of U.P. and Anr.**, whereunder this Court, in so far as it is relevant, 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 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 materials collected in the course of investigation.....”

9. We have perused the charge sheet, particularly the report and the statements of the witnesses. Similar facts are stated by the informant and the witnesses. According to the informant, last incident of harassment took place, in the month of June 2019. The report is lodged on 21.01.2023. Thus, the report is not lodged within three years thereafter as provided in Section 468 of the Cr.P.C. Thus, the report is therefore, barred by law of limitation, in view of law laid down by Hon'ble Supreme Court in the case of **Arun Vyas and another vs. Anita Vyas, reported in (1999) 4 SCC 690**. Thus, compelling the applicants to face the trial, would be an abuse of process of the court. The case is made out for exercise of powers

under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice to prevent the abuse of process of the Court. Hence, the following order:-

O R D E R

- I. The application stands allowed.
- II. F.I.R. No. 23 of 2023 registered with Pachora police station, Tq. Pachora, district Jalgaon, dated 21.01.2023 for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. and the consequential charge sheet No. 25 of 2023 and criminal case bearing R.C.C. No. 81 of 2023 pending before the Judicial Magistrate, First Class, Pachora, district Jalgaon stand quashed and set aside.

10. The fees of learned advocate Mr. R.C. Bora, appointed to represent the cause of respondent No.2 is quantified at Rs.7000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

rlj/