



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1402 OF 2024

1. Eknath Rohidas Gavhane,
Age : 27 Years, Occu. : Service,
R/o. Flat No.2707, Hera Building,
Sector-C, Hiranandani Fortune City,
Panvel, Dist. Raighad.
2. Sau. Laxmi Rohidas Gavhane,
Age : 55 Years, Occu. : Household,
R/o. Flat No.2707, Hera Building,
Sector-C, Hiranandani Fortune City,
Panvel, Dist. Raighad.
3. Rohidas Kashinath Gavhane,
Age : 65 Years, Occu. : Retired,
R/o. Flat No.2707, Hera Building,
Sector-C, Hiranandani Fortune City,
Panvel, Dist. Raighad.
4. Sau. Yogita Vitthal Javak,
Age : 27 Years, Occu. : Household,
R/o. Vaishali Apartment,
Durgamata Mandir Road,
Kolsewadi, Kalyan (East),
Dist. Thane.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Belwandi Police Station,
Tq. Shrigonda, Dist. Ahmednagar.
2. Sau. Komal Eknath Gavhane,
Age : 22 Years, Occu. : Pharmacist,
R/o. Erandoli, Tq. Shrigonda,
Dist. Ahmednagar.

.... Respondents

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Advocate for Applicants : Mr. P.B. Shirsath
APP for Respondent No.1-State : Mr. A.R. Kale
Advocate for Respondent No.2 : Mr. D.B. Rode
....

**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.140 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, Shrigonda, Dist. Ahmednagar, arising out of Crime bearing No.0006 of 2023, registered with Belwandi Police Station, Dist. Ahmednagar, dated 08.01.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

3. After hearing both the sides, as per order dated 28.03.2024, the application to the extent of applicant Nos.1 and 2 is rejected.

4. Learned Advocate for the applicants pointed out the report dated 08.01.2023, in which respondent No.2/informant averred that she married with the son of applicant No.3/father-in-law. Applicant No.4 is her sister-in-law. After marriage, she started to cohabit with the applicants. Initially, for three months, she was treated well. Thereafter, the applicants started to harass her. She begotten a daughter. She was expelled from the house along with her daughter. Her husband is serving as a Railway Trackman at Sion, Mumbai. Applicant No.3 used to come there frequently. From 15.02.2021, while she was residing with the applicants, her husband and mother-in-law were saying to her that do not talk with parents and they beaten her by fist and kick blows. They also abused and threatened to kill her. They were saying that, at the time of marriage, proper respect as per religious rituals were not given to the people of her husband's side. The applicants demanded Rs.5 Lakhs for purchasing a flat. They were keeping her on starvation. Therefore, she lodged the report.

5. Learned Advocate for the applicants submitted that applicant Nos.3 and 4 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, 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.

6. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty against applicant Nos.3 and 4. Their names are mentioned in the F.I.R. These applicants treated the informant with cruelty by demanding money and caused physical and mental cruelty and compelled her to reside at her parents house by demanding Rs.5 Lakhs for purchasing a flat. It is lastly prayed to reject the application.

7. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that applicant Nos.3 and 4 are involved in the crime of treating the informant with cruelty by demanding money. The specific incidents are stated by the informant in the report that these applicants demanded Rs.5 Lakhs for

purchasing a flat. 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, 323, 504, 506 of I.P.C. He 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. Learned Advocate for the applicants pointed out that the husband of the informant was beaten by the

informant. Therefore, he lodged the N.C. bearing No.2758 of 2021, against the informant, under Sections 323, 504, 506 of the I.P.C. He sustained abrasion and contusion injuries over his forearm and right shoulder. The vague and omnibus allegations are made against these applicants. The role of applicant Nos.3 and 4 is not specifically stated as to when and how they treated the informant with cruelty. Merely because the names of applicant Nos.3 and 4 are mentioned in the report, proceeding against them without reliable evidence of demand of Rs.5 Lakhs which caused mental and physical cruelty is not justifiable.

10. Considering all the aspects and above reasons and law laid down in the authorities cited supra, if applicant Nos.3 and 4 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.3 and 4. The application deserves to be partly allowed. Hence, the following order is passed.

ORDER

- I) The application stands allowed to the extent of applicant Nos.3 and 4.

- II) The First Information Report and charge-sheet in R.C.C. No.140 of 2023, pending before the learned Judicial Magistrate First Class, Shrigonda, Dist. Ahmednagar, arising out of Crime bearing No.0006 of 2023, registered with Belwandi Police Station, Dist. Ahmednagar, dated 08.01.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code stands quashed against applicant Nos.3 and 4.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd