



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

CRIMINAL APPLICATION NO. 1510 OF 2024

1. Shriram S/o. Gangadhar Dasare,
Age : 32 Years, Occu. : Service,
R/o. Mendaka, Tq. Mudkhed,
Dist. Nanded.
2. Gangadhar S/o. Shriram Dasare,
Age : 63 Years, Occu. : Agri.,
R/o. Mendaka, Tq. Mudkhed,
Dist. Nanded.
3. Vandana W/o. Gangadhar Dasare,
Age : 60 Years, Occu. : Household,
R/o. Mendaka, Tq. Mudkhed,
Dist. Nanded.
4. Sandip S/o. Gangadhar Dasare,
Age : 31 Years, Occu. : Agri.,
R/o. Mendaka, Tq. Mudkhed,
Dist. Nanded.
5. Madhav S/o. Shriram Dasare,
Age : 50 Years, Occu. : Agri.,
R/o. Mendaka, Tq. Mudkhed,
Dist. Nanded.
6. Tanaji S/o. Shriram Dasare,
Age : 51 Years, Occu. : Agri.,
R/o. Mendaka, Tq. Mudkhed,
Dist. Nanded.
7. Jaishree W/o. Vaijnath Tamboli,
Age : 33 Years, Occu. : Household,
R/o. Telangawadi, Post Usmannagar,
Tq. Kandhar, Dist. Nanded.
8. Vaijnath S/o. Sambhaji Tamboli,
Age : 42 Years, Occu. : Service,
R/o. Telangawadi, Post Usmannagar,
Tq. Kandhar, Dist. Nanded.

9. Balaji S/o. Mahajan Bodhamwad,
Age : 57 Years, Occu. : Agri.,
R/o. Mendaka, Tq. Mudkhed,
Dist. Nanded.

.... Applicants

VERSUS

1. The State of Maharashtra
Through its Investigation Officer,
Police Station Kuntur, Nanded.
2. Mangal W/o. Shriram Dasare,
Age : 37 Years, Occu. : Service,
R/o. Barbada, Tq. Naigaon,
Dist. Nanded.
At present R/o. S.G.G.S. Gov. Hospital,
Vishnupuri, Tq. & Dist. Nanded.

.... Respondents

....
Advocate for Applicants : Mr. A.D. Hande
APP for Respondent No.1-State : Mr. N.R. Dayama
Advocate for Respondent No.2 : Mr. P.B. Gapat
....

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

Dated : 08th July 2025

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

1. Heard learned Advocate for both sides as well as learned
APP for the State.

2. This is an application for quashing the First Information
Report (hereinafter referred to as "the F.I.R.") and charge-sheet in
R.C.C. No.63 of 2024, under Section 482 of the Code of Criminal

Procedure, 1973 (hereinafter referred to as “the F.I.R.”), pending before the learned Judicial Magistrate First Class, Naigaon Bazar, Dist. Nanded, arising out of Crime bearing No.0218 of 2023, registered with Kuntur Police Station, Dist. Nanded, dated 23.11.2023, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as “the F.I.R.”).

3. After hearing both sides, when this Court expressed disinclination to grant any relief to applicant No.1/husband, the learned Advocate for the applicants sought withdrawal of the application to the extent of applicant No.1. Therefore, this application is dismissed as withdrawn against applicant No.1.

4. Learned Advocate for the applicants pointed out the report dated 23.11.2023, 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 No.4 is her brother-in-law, applicant Nos.5 and 6 are her cousin fathers-in-law, applicant No.7 is her sister-in-law, applicant No.8 is the husband of applicant No.7, and applicant No.8 is the maternal uncle of her husband.

5. The informant further averred in her report that she married with the son of applicant Nos.2 and 3 on 28.04.2015. In her marriage, a dowry of Rs.1.50 Lakh, Rs.50,000/- for purchasing a vehicle, ten tolas of gold ornaments, and Rs.1 Lakh for purchasing household articles were given. She was serving as a nurse.

6. The informant further averred in her report that, after marriage, she was treated well for six months. Thereafter, her husband and applicant Nos.2 and 3 asked her to obtain a loan and demanded her bank passbook, cheque book and original documents. They also insisted her to deposit her salary in the account of her husband and told her to quit the job. Her husband, without informing her, was filed an application for divorce in Nanded Court. She came to know the said fact later on. After that, her husband and the applicants were abusing her and beating her by slap. They insisted her to do the job at Mendaka by regularly traveling to and fro. She was directed to leave the house if she did not fulfill the demand of money. Her ornaments were taken away and she was driven out of the house. She made an application to the Women Cell, Nanded. That time, applicant Nos.2 and 3 threatened her to go wherever she wanted to go, they have acquaintances with the police, etc. They also threatened her to first obtain a loan, pay the amount and then come for

cohabitation, otherwise, they would eliminate her. Therefore, she lodged the report.

7. Learned Advocate for the applicants submitted that applicant Nos.2 to 9 are falsely implicated in the crime. General and vague allegations are made against these applicants. Although the specific incidents of cruelty are stated by the informant in the report and by the witnesses in their statements, the fact of cruelty is not established from the entire charge-sheet against these applicants. No medical certificate is produced on record to prove the alleged beating. False allegations of cruelty are made against these applicants. The essential ingredients of offences punishable under Sections 498-A, 323, 504 and 506 of the I.P.C. are not established against these applicants. If they are compelled to face the trial, it would certainly be an abuse of the process of the Court. It is lastly prayed to allow the application.

8. Learned APP for the State strongly opposed the application and submitted that there is strong evidence of cruelty against applicant Nos.2 to 9. Their names are mentioned in the F.I.R. These applicants treated the informant with cruelty by demanding a loan, to pay it to them and caused her physical and mental cruelty.

They compelled her to reside at her parents house. It is lastly prayed to reject the application.

9. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that applicant Nos.2 to 9 are involved in the crime of treating the informant with cruelty. The specific incidents are stated by the informant in the report that these applicants treated her with cruelty by demanding a loan. The names of these applicants are mentioned in the F.I.R. There are statements of witnesses corroborating with the version of the informant. There is strong evidence against these applicants to proceed further with the trial. Therefore, the application deserves to be rejected as there is reliable evidence against these applicants to establish the requisites of offences punishable under Sections 498-A, 323, 504 and 506 of the I.P.C. He prayed to reject the application.

10. 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.

11. We have perused the charge-sheet, particularly the report and statements of witnesses. The witnesses have stated similar facts as stated by the informant in the report. There are allegations of demand of money and filing a divorce proceeding without informing her. However, he has withdrawn the application. As far as applicant Nos.2 and 3 are concerned, no specific incident is stated by the informant as to when and what amount they had demanded and caused cruelty to her. So also, there are no specific incidents are stated by the informant as to when applicant Nos.4 to 9 came to her and treated her with cruelty by demanding money. General and vague allegations are made against these applicants, which are not sustainable. The essential ingredients of Sections 498-A, 323, 504 and 506 of the I.P.C. to constitute the cruelty, etc. are not established from the charge-sheet against these applicants.

12. Considering all the aspects, above reasons and law laid down in the authorities cited supra, if applicant Nos.2 to 9 are compelled to face the trial, it would certainly be an abuse of the

process of the 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 the process of the Court against applicant Nos.2 to 9. The application deserves to be partly allowed. Hence, the following order.

ORDER

- I) The application is partly allowed.
- II) The application is dismissed as withdrawn against applicant No.1.
- III) The First Information Report and charge-sheet in R.C.C. No.63 of 2024, pending before the learned Judicial Magistrate First Class, Naigaon Bazar, Dist. Nanded, arising out of Crime bearing No.0218 of 2023, registered with Kuntur Police Station, Dist. Nanded, dated 23.11.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.2 to 9.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE