



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

CRIMINAL APPLICATION NO. 1354 OF 2023

1. Babulal S/o Vazir Pathan
Age-25 years, Occu-at present nil,
R/o. village Mathni
Tq. and District- Ahmednagar.
2. Vazir S/o Rahman Pathan
Age- 45 years, Occu- Agri.
R/o. village Mathni
Tq. and District- Ahmednagar.
3. Rizwana W/o Vazir Pathan
Age-51 years, Occu-
R/o. village Mathni
Tq. and District- Ahmednagar.
4. Saheb Lal S/o Vazir Pathan
Age-29 years, Occu- Service,
R/o. Village Mathni
Tq. and District- Ahmednagar.
(Now he is on duty)
5. Sania Saheb Lal Pathan
Age- 25 years, Occu-
R/o. village Mathni
Tq. and district Ahmednagar
6. Reshma Abrar Jahangirdar
Age-27 years, Occu-
R/o. village Amrapur
Tq. Shevgaon and district Ahmednagar

... Applicants
(Ori. Accused 1 to 6)

Versus

1. The State of Maharashtra,
Through Police Inspector,
Pathrdi Police Station,
Tq. Pathardi & Dist. Ahmednagar.

2. Bushra W/o Babulal Pathan
Age- 21 years, Occu- Household
R/o C/o Ahmed Abdul Shaikh,
Village Pagori Pimpalgaon,
Tq. Pathardi, Dist. Ahmednagar.

... Respondents
(Resp.No.2 ori. Complainant)

...

Mr. Sandip Ramnath Andhale, Advocate for Applicants.

Mr. G. A. Kulkarni, APP for Respondent / State.

Mr. Arvind G. Ambetkar, Advocate for Respondent No.2.

...

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

DATE : 22nd July, 2025.

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

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing of the proceedings in R.C.C. No.70 of 2023, pending in the Court of learned Judicial Magistrate First Class, Pathardi, District Ahmednagar, arising out of FIR bearing Crime No.120 of 2023, dated 6th February, 2023, registered with Pathardi Police Station, Taluka Pathardi, District Ahmednagar, for the offences punishable under Sections 498-A, 323,

504 and 506 of the Indian Penal Code, 1860 (for short “the IPC”).

3 Applicant No.1 is the husband of the informant / respondent No.2. Applicant Nos.2 and 3 are the parents-in-law of the informant. Applicant No.4 is the brother-in-law of the informant. Applicant No.5 is the wife of applicant No.4. Applicant No.6 is the sister-in-law of the informant.

4 Respondent No.2 / informant averred in the report that her parents solemnized her marriage with applicant No.1 on 7th April, 2021 in accordance with their customs and traditions. Applicant No.1 is employed in the Indian Army and posted in Rajasthan. After the marriage, while she was residing at her matrimonial home, she was treated properly till 10th June, 2021. Thereafter, the applicants started to harass her mentally and physically by continuously demanding an amount of Rs.10,00,000/- from her parental home for purchasing a tractor. She told them that her parents were financially weak and could not fulfill such a demand. Despite this, all the applicants continuously harassed her, kept her starved on many occasions, used abusive language and beat her. Applicant No.6 frequently visited the matrimonial house and on each visit she used to abuse the informant on one pretext or another and mentally tortured her.

5 The informant further averred that whenever her husband returned home on leave, under the instigation of his parents, he also used to treat her with cruelty by beating her with kicks and fists blows. He used to abuse her. He repeatedly demanded Rs.10,00,000/- from her parental home. She informed her parents about the cruelty during her visits to her parental house and also on phone. Her parents tried to convince her in-laws to stop the harassment, but their efforts were in vain.

6 The informant further averred that even while residing in her matrimonial home, her husband used to abuse her on the phone on the instigation of his parents. On 10th October, 2021, while she was at her matrimonial house, all the applicants abused her using filthy language, threatened her, beat her with kicks and fist blows, and said, *"We do not need you, if you wish to stay here, bring Rs.10,00,000/- from your parents."* Thereafter, they threw her out of the house only with the clothes she was wearing. Therefore, she returned to her parental home at Pagori Pimpalgaon and narrated the entire incident to her father. Her parents and relatives made several attempts to send her back to her matrimonial house, but her in-laws refused to accept her back and further abused and threatened her father and relatives.

7 The informant further averred that on 13th August, 2022,

while she was residing at her parental home, all the applicants again visited her parental house and demanded Rs.10,00,000/-, stating that only then she would be allowed to return to her matrimonial home. When she and her parents tried to convince them, the applicants abused and threatened them and reiterated that she would not be allowed to return unless she brings an amount of Rs.10,00,000/-. On 20th June, 2022, she lodged a complaint against the applicants at the Women's Grievance Redressal Cell, Superintendent of Police Office, Ahmednagar. However, the applicants, including her husband, failed to remain present, and hence, no compromise could be arrived. Therefore, she lodged the report.

8 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. False allegation of demand of money for purchasing a tractor is made against the applicants. There is no cogent and acceptable evidence against the applicants. Vague and general allegations are made against the applicants. He lastly prayed to allow the application.

9 The learned APP for respondent No.1 / State as well as the learned counsel for the informant / respondent No.2 strongly opposed the application. They both submitted that the applicants are involved in a serious crime. Their names are mentioned in the report.

They treated the informant with cruelty. They have committed an anti-social crime. There is strong evidence against them. They lastly prayed to reject the application.

10 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....”

11 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 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.”

12 We have perused the charge-sheet, particularly, the report and the statements of witnesses. The witnesses have stated the similar facts as stated by the informant in her report.

13 The informant averred in the report that the applicants demanded Rs.10,00,000/- for purchasing a tractor. She has not stated as to particularly when the applicants demanded that amount to her. It is also averred by the informant that the applicants were beating her and they starved her, but exactly which of the applicant beaten and staved her is not stated by the informant in the report. Specific incident of such harassment is not stated in the report or the statements of the witnesses. When the informant was driven out of the house by making alleged demand of Rs.10,00,000/- and beating her is not stated with the specific date of incident. The last incident of beating to her at parental house on 13th August, 2022, is also vague without stating the role of the applicants.

14 After considering entire material, it is crystal clear that vague and general allegations are made against the applicants. No specific incident involving a demand of Rs.10,00,000/- and harassment for it, is stated by the informant in her report. The role of applicant Nos.4 to 6 is not clearly stated, as to how they caused cruelty to the informant. Similar is the position as to the role of the husband and the parents-in-law of the informant.

15 To establish cruelty as contemplated under Section 498-A of the IPC, it is necessary to establish its essential ingredients as defined in it that there was a demand for money or dowry, or cruelty that drives the woman to commit suicide or to cause grave injury or danger to her life, limb, or mental or physical health. There is no such material on record to show the overt act of the applicants to establish cruelty caused by them.

16 It is not case of the informant that the applicants caused any injury voluntarily to the informant. There is no material to show that the applicants intentionally insulted her with intent to provoke breach of the peace and caused criminal intimidation to the informant. The essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC are not established against them.

17 Considering all facts of the case and the above reasons, if the applicants are compelled to face the trial, it would certainly be an abuse of the process of the Court. We are therefore, inclined to allow the application 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 allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The proceedings in R.C.C. No.70 of 2023, pending in the Court of learned Judicial Magistrate First Class, Pathardi, District Ahmednagar, arising out of FIR bearing Crime No.120 of 2023, dated 6th February, 2023, registered with Pathardi Police Station, Taluka Pathardi, District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code, stands quashed as against all the applicants.

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