



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1660 OF 2024

1. Satish Annasaheb Sonawane
 2. Sahebrao Bapu Sonawane
 3. Alka Sahebrao Sonawane
 4. Babasaheb Sahebrao Sonawane
 5. Rukhmini Babasaheb Sonawane
 6. Manisha Bhausahab Kale
- Applicants

VERSUS

1. The State of Maharashtra
 2. Komal Satish Sonawane
- Respondents

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Advocate for Applicants : Mr. Rajendra S. Kasar
APP for Respondent No.1-State : Mr. A.M. Phule
Advocate for Respondent No.2 : Mr. K.N. Bhosale and Mr. S.B. Chaudhari

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

Dated : 04th March 2025

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

1. This is an application for quashing the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.286 of 2024, pending before the learned Judicial Magistrate First Class, Rahuri, Dist. Ahmednagar, arising out Crime bearing No.271 of 2024,

registered with Rahuri Police Station, Rahuri, Dist. Ahmednagar on 14.03.2024, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

2. Heard learned Advocate for the applicants as well as learned APP for the State and learned Advocate for respondent No.2.

3. Learned Advocate for the applicants pointed out the report dated 14.03.2024, in which respondent No.2/informant averred that she married with applicant No.1 on 18.09.2021. For about two months, they were residing at village Nandgaon, Tq. & Dist. Ahmednagar. Then, they went to reside at Pune. Applicant No.1 used to taunt and hurled abuses to her in rude manner and slapped her. Thereafter, both of them came at Nandgaon, Dist. Ahmednagar. She informed her parents from time to time by making phone calls to them about the cruelty caused to her by the applicants. Her parents tried to convince her husband and the applicants. Thereafter, for a few days, she was treated well by the husband and other applicants.

4. The informant further averred that applicant No.2 is the uncle of applicant No.1, applicant No.3 is the aunt of applicant No.1 i.e. wife of applicant No.2, applicant No.4 is the son of applicant

Nos.2 & 3, applicant No.5 is the wife of applicant No.4 and applicant No.6 is the married daughter of applicant Nos.2 & 3. All these applicants were abusing and teasing her. They were harassing as she could not beget a child. Applicant No.1/husband and applicant No.3/cousin mother-in-law were demanding Rs.25,000/- for starting Agro shop. She said that her parents are poor and they are not able to pay that amount, they are already burdened with the marriage debt.

5. The informant further averred that applicant No.3/cousin mother-in-law said that unless and until you bring that amount you will not be allowed to have a meal and harassed her physically and mentally by keeping her on starvation. The applicants were frequently beating her. Therefore, in the month of May 2023, she came at her parents house and made an application to the BHAROSA Cell, Ahmednagar. However, the applicants refused to take her back for cohabitation. Therefore, she lodged the report.

6. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. The informant was residing at Pune with her husband. She was not interested in cohabitation with the applicants. She had filed a case under the Protection of Women From Domestic Violence Act, 2005 bearing No.161 of 2023 against the applicants in order to harass them. In that

case, she has not made allegations that the applicants were demanding Rs.25,000/- for starting Agro shop. The allegations in the report are false. There was no such demand. No specific incident is stated as to when that demand was made by the applicants. The essential ingredients of Sections 498-A, 323, 504, 506 of the I.P.C. are not establishing either from the report or the charge-sheet. In such a fact situation, if the applicants are compelled to face the trial, it would certainly be an abuse of process of court. It is lastly prayed to reject the application.

7. Learned APP for the State strongly opposed the application and submitted that there is a reliable evidence against the applicants. Their names are mentioned in the F.I.R. They have demanded Rs.25,000/- for starting Agro shop. The applicants used to beat her and harass her physically and mentally to meet their demands of Rs.25,000/-. There is strong evidence of demand and cruelty against the applicants. It is lastly prayed to reject the application.

8. In the contextual situation, it is also relevant to refer to the decision of the Hon'ble Supreme Court in ***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 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....”

9. A reference can be made to the judgment in the case of **CBI vs. Aryan Singh, reported in 2023 SCC Online SC 379**, in which the Hon'ble Supreme Court held as under :-

“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.”

10. We have perused the report and charge-sheet. The statements of witnesses are mostly similar to the report. Non Cognizable Report was lodged by the informant on 31.05.2023, in which she had not made allegations that the applicants have demanded Rs.25,000/- to her. In that report, she has stated that on 31.05.2023, applicant No.1/husband assaulted her brother, but that is subsequent incident. From the face value of the report, the essential ingredients of cruelty as contemplated by Section 498-A of the I.P.C. are not establishing. No specific incident is stated as to when the applicants had demanded the amount of Rs.25,000/-. Applicant No.6 is residing at Dehare, Tq. & Dist. Ahmednagar with her husband, who is a married sister-in-law of the informant. The report shows that omnibus and vague allegations are made against the applicants.

11. In case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported in 2025 SCC Online SC 17**, 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.

12. The role of the applicants is not spelt out either from the report or the charge-sheet. We are of the view that if the applicants are compelled to face the trial, it would certainly be an abuse of process of the Court. Considering the ratio laid down in the judgment of **Mohammad Wajid, CBI and Kim Wansoo** (Supra), the application deserves to be allowed. Hence the following order.

ORDER

- I] The Application stands allowed.
- II] The First Information Report and charge-sheet in R.C.C. No.286 of 2024, pending before the learned Judicial Magistrate First Class, Rahuri, Dist. Ahmednagar, arising out Crime bearing No.271 of 2024, registered with Rahuri Police Station, Rahuri, Dist. Ahmednagar on 14.03.2024, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicant No.2 Sahebrao Bapu Sonawane, No.3 Alka Sahebrao Sonawane, No.4 Babasaheb Sahebrao Sonawane, No.5 Rukhmini Babasaheb Sonawane and No.6 Manisha Bhausaheb Kale.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE