



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1439 OF 2023

1. Siddhesh Sanjivan Vairagi
Age 35 years, Occ. Service
(husband of the informant
(withdrawn)

2. Sanjivan Madhukar Vairagi
Age 69 years, Occ. Nil
(father in law of informant)

3. Sunanda Sanjivan Vairagi
Age 66 years, Occ. Nil,
(mother in law of informant)

All R/o. Shreehari Co-operative
Housing Society, Flat No.A1/2
Sector 40, Seawoods,
Nerul, Navi Mumbai 400 706

4. Nikita Durgesh Tirthkar
Age 37 years, Occ. Service
R/o. C-6, Satyam Apartment
Sector 5, CBD Belapur
Navi Mumbai
(sister in law of informant)

5. Shankar Motiram Bonde
Age 60 years, Occ. Nil,
R/o. Silversand Co-operative
Housing Society, Flat No.601,
P. No. 15, Sector 40,
Seawood, Nerul, Navi Mumbai
(family friend)

6. Kalpana Pundlik Haral,
Age 35 years, Occ. Service
R/o. A 6/4, Sector No.2,
CBD Belapur, Navi Mumbai
(Family friend)

...Applicants

Versus

1. The State of Maharashtra
 2. Madhuri Siddhesh Vairagi,
Age 30 years, Occ. Housework,
C/o. Dilip Ramchandra Shelar
Shelar Cloth Stores, Bazar Peth
Sakur, Ta. Sangamner
district Ahmednagar
- ...Respondents

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Ms. Karishma Sarin h/f Ms. Pooja Patore, Advocate for the applicants
Mrs. P.R. Bharaswadkar, A.P.P. for the respondent No.1
Mr. S.S. Dixit, Advocate for respondent No.2 (absent)

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 4th JULY, 2025**

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

1. Heard learned advocates for the applicants and learned A.P.P. for respondent No.1 State.
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 criminal proceeding bearing R.C.C. No. 145 of 2022 pending before the Judicial Magistrate, First Class, Sangamner, District Ahmednagar arising out of F.I.R. No. 66 of 2021 registered with Ghargaon police station, Ta. Sangamner, district Ahmednagar 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.").

3. After hearing for some time, when this court showed disinclination to grant relief to applicant No.1, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1. Leave granted. The application to the extent of applicant No.1 stands dismissed as withdrawn.

4. The informant averred in the report that applicant Nos. 2 and 3 are her parents in law, applicant No.4 is sister in law, applicant No. 5 and 6 are the family friends of the other applicants.

5 The informant further averred in the report that she married with co-accused Siddhesh Vairagi on 04.03.2018 as per Hindu rites and rituals. After marriage, she went for cohabitation at Nerul, Navi Mumbai, where her husband and the present applicants were residing. After marriage, she was treated well for five months, but thereafter the applicants and her husband abused her. Applicant No.4, who is sister in law of the informant used to ask her to take the meal without oil and salt, else to leave the house. When she was pregnant for four months, applicant Nos. 2 and 3 used to say her to terminate her pregnancy, as they do not want her baby. They threatened that they will kill her baby.

6. The informant further averred that thereafter, she went to

her parents' house for delivery and she begotten a male child Sharvin. When, after delivery, she returned to her matrimonial house at Narul, the applicants did not allow her to stay with them and she was kept in a rented house. She was compelled to do the job. The applicant No.2 used to ask her to give the details of her salary. He also used to check her payment slips and clothes.

7. The informant further averred that the applicants used to ask her to bring an amount of Rs.20,00,000/- from her father for purchasing a plot and on that count they used to beat her. The applicants driven her out of the house by keeping her on starvation. Thereafter, when the informant and her father again came at Narul, applicant Nos.5 and 6, who are so called brother and daughter, respectively, of her mother in law, abused them and driven by manhandling them. Her husband and applicant Nos. 2 and 3 had also beaten her by fist and kick blows. They also threatened them that they will not keep them alive if they again came there. They also said that they do not afraid to anybody, as they have sufficient money. They threatened her that unless she brings an amount of Rs.20,00,000/-, they will not take her in the house. It is with these contentions, the report came to be lodged by the informant.

7. 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 allegations of abuses, beating and demand of amount of Rs.20,00,000/- for purchasing a plot, 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. All these applicants are close relatives of the husband of the informant and only in order to implicate the entire family and the relatives, the report has been lodged falsely. She further submits that the applicants have been implicated in the crime without any basis. Therefore, she prayed to quash the proceedings.

8. Learned A.P.P. for respondent No.1 State strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. Even they insisted the informant to terminate her pregnancy. There was demand of Rs.20,00,000/- for purchasing of a plot and on account of non fulfillment of the said demand, the applicants have treated the informant with cruelty. The applicants and other accused persons have caused harassment to the informant mentally as well as

physically. The names of the applicants are mentioned in the report. The specific roles by mentioning their names are 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.

9. 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.....”

10. We have perused the report and the statements of the witnesses. No specific incident of cruelty is stated by the informant and whatever she has stated is without quoting specific date and time. There is no medical evidence of injuries caused to the informant due to the alleged beating so as to establish essential ingredients of Section 323 of the I.P.C. The allegations made are vague and general in nature. There is delay in lodging the report. On the face value, it appears that the report is lodged after thought from the parental house of the informant. If all these aspects are considered together, the essential ingredients of the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the I.P.C. are not establishing against the applicants. Therefore, on such vague and general allegations, compelling the applicants to face the trial, would be an abuse of process of the court. The case is made out for exercise of our 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 partly allowed.
- II. The R.C.C. No. 145 of 2022 pending before the Judicial Magistrate, First Class, Sangamner, District Ahmednagar arising out of F.I.R. No. 66 of 2021 registered with Ghargaon police station, Ta. Sangamner, district Ahmednagar for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C., are quashed and set aside to the extent of applicant Nos. 2 to 6 herein.

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

rlj/