



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

CRIMINAL APPLICATION NO. 1515 OF 2023

1. Balaji S/o Trimbak Sangle
(Distant Relative)
Age: 40 years Occu: Service
R/o: Dahegaon, Tq. Ambad,
Dist. Jalna.
2. Ganesh S/o Pandurang Dhait
(Cousin Brother-in-law)
Age:- 33 years Occu: Agril.
R/o. Rui, Tq. Ambad, Dist. Jalna
3. Kamal W/o Ganesh Dhait
(Cousin Sister-in-law)
Age:- 32 years Occu: Housewife,
R/o. Rui, Tq. Ambad, Dist. Jalna
4. Raju S/o Vishwanath Warade
(Brother of Second wife)
Age: 33 years Occu: Agril,
R/o. Rui, Tq. Ambad, Dist. Jalna.
5. Bhagwan S/o Ganpat Bidve
(Father-in-law)
Age:- 56 years Occu: Agril,
R/o. Machhindarnath Chincholi,
Tq. Ghansawangi, Dist. Jalna.

... Applicants

Versus

1. The State of Maharashtra
Through Police Station
Gondi, Tq. Ambad
Dist. Jalna.
2. Mira W/o Kailsh Bidve
Age:- 35 years Occu: Housewife
R/o:- Rui, Tq. Ambad, Dist.: Jalna.

3. Bhartabai Sahebrao Dhait
Age: 63 yrs, Occu: Household
R/o: Rui, Tq. Ambad, Dist. Jalna.

... Respondents

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Mr. Yogeshwar L. Bidve, Advocate for Applicants.
Mr. S. A. Gaikwad, APP for Respondent / State.
Mr. Mukul M. Deshmukh, Advocate for Respondent No.3.

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

DATE : 08th April, 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 FIR (for short the "report") bearing Crime No.118 of 2023, dated 20th March, 2023, registered with Gondi Police Station, Taluka Ambad, District Jalna, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 and the consequential proceedings in RCC No.131 of 2023, pending in the Court of learned Judicial Magistrate First Class, Ambad, District Jalna.

3 The informant averred in the report that applicant No.1 is her distant relative. Applicant No.2 is the cousin brother-in-law, applicant No.3 is the cousin sister-in-law, applicant No.4 is the brother of the second wife of husband of informant and the applicant No.5 is her father-in-law.

4 The informant averred in the report that she married with the son of applicant No.5 on 4th June, 2002. She was treated well for twenty years by her husband. The informant was unable to conceive any child. Therefore, she settled and performed the marriage of her husband with one Nanda Vishwanath Varade, resident of Rui, Taluka Ambad, District Jalna on 28th December, 2022. After one year of that marriage, the applicants started to harass the informant. The informant told that fact to applicant No.5 (father-in-law). He also abused her. Her husband and applicant No.5 demanded Rs.2,00,000/- for construction of the house. They started to abuse her. They threatened to kill her if she failed to bring the money. Her husband used to beat her upon instigation by Applicant No.4 (brother of second wife of husband of informant). Other applicants were instigating her husband by making phone calls, that he shall not allow the informant to cohabit with him. Her husband used to expel her from the house in the night times and kept her starved. The informant called her brother, who took her back to her parental home. The informant told her

brother and his wife about the ill-treatment. They were trying to convince the husband of informant, but her husband also abused them. Therefore, she lodged the report.

5 The learned counsel for the applicants submits that the applicants are falsely implicated in the crime. There are vague allegations against them. He lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. He lastly prayed to reject the application.

7 The learned counsel for the informant / respondent No.2 also strongly opposed the application. He submitted that the names of the applicants are mentioned in the report. They treated the informant with cruelty. They are involved in serious crime. He lastly prayed to reject the application.

8 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....”

9 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.”

10 We have perused the report and the charge-sheet, particularly, the statements of witnesses. Another crime bearing C.R.

No.203 of 2023, dated 9th May, 2023, is registered with the same police station against the husband of informant and other accused for the offence punishable under Sections 306 of the IPC for abetment to commit suicide to this informant. However, that incident took place on 6th May, 2023 and the report in question is lodged on 20th March, 2023. From the bare reading of the report and the statements of witnesses, it is clear that there are allegations of cruelty against the husband of the informant. Though the names of the applicants are mentioned in the report, the allegations made in the report are not specific and certain as to when that incident took place. From the entire charge-sheet, the essential ingredients of Sections 498-A, 323, 504 and 506 read with 34 of the IPC and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 are not establishing against the applicants. Considering all these aspects together, we are of the view that if the applicants are directed to face the trial, it would certainly be an abuse of the process of 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 Court. The application, therefore, deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The FIR bearing Crime No.118 of 2023, dated 20th

March, 2023, registered with Gondli Police Station, Taluka Ambad, District Jalna, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 and the consequential proceedings in RCC No.131 of 2023, pending in the Court of learned Judicial Magistrate First Class, Ambad, District Jalna, stands quashed as against all the applicants.

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