



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1805 OF 2024

1. Vilas Madhavrao Deshmukh (Bhavar)
Age 41 years, Occ. Agriculture
2. Kalawati Madhavrao Deshmukh (Bhavar)
Age 79 years, Occ. Household
3. Manik Madhavrao Deshmukh (Bhavar)
Age 54 years, Occ. Agriculture
4. Sou. Nandabai Manik Deshmukh (Bhavar)
Age 46 years, Occ. Household
5. Savita Munjaji Deshmukh (Bhavar)
age 48 years, Occ. Household

All R/o. Hatta, Tq. Wasmat,
District Hingoli

...Applicants

Versus

1. The State of Maharashtra
Through Investigating officer,
Navamondha Police Station, Parbhani
Tq. And district Parbhani
2. Manisha Vilasrao Bhavar
Age 38 years, Occ. Household
R/o. Rajendragiri Nagar, Vasmat Road,
Parbhani, Tq. And District Parbhani

...Respondents

.....
Mr. Ishwar K. Wagh, Advocate for the applicants
Mr. S.A. Gaikwad, A.P.P. for the respondent No.1
Mr. Amarjeet V. Patil, Advocate for respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 24th APRIL, 2025**

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

1. The applicants have filed this application under section 482 of the Code of Criminal Procedure, 1973 (for short the Cr.P.C.) for quashing of First Information Report (for short "F.I.R.") No. 255 of 2023, registered with Navamondha police station, Parbhani, District Parbhani 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.") and consequential charge sheet No. 268 of 2023.

2. On 30.04.2024, while issuing notice, when this Court had expressed disinclination to grant relief to applicant No.1, Vilas Madhavrao Deshmukh (Bhavar), who is husband of informant/respondent No.2, the application of applicant No.1 came to be dismissed as withdrawn.

3. The informant averred in the report that applicant No.2 is her mother-in-law, applicant No.3 is brother-in-law, applicant No.4 is sister-in-law and applicant No.5 is wife of her brother-in-law.

4. The informant averred in the report that she married with the son of applicant No.2 on 07.05.2009. She went for cohabitation at Hatta, Tq. and district Parbhani. Initially, she was treated well. She

begotten a daughter Shravani on 17.2.2010. Her husband said that they already have six daughters in their family and they were expecting the baby boy. After one month of her delivery, the informant went to Hatta for cohabitation. The applicants and her husband started to say that they were expecting a baby boy and not baby girl. They were taunting her but she ignored them. Her husband was frequently asking her as to how she has begotten the girl child. Her husband was also asking her as to why she is not taking her share from her parental property. He started to harass her on that count frequently. The applicant Nos. 2, 4 and 5, were not allowing the informant to cook food. The informant had informed about the same to her mother and brother. The informant made complaint to Bharosa Cell on 17.06.2023. Therefore, the report was lodged.

5. Learned advocate for the applicants submitted that no specific allegations are made against the applicants in the report. All allegations are vague, omnibus and general in nature. There is delay in lodging the report. All the witnesses whose statements are recorded are from the parental side of the informant. Those are not sufficient to prove that the harassment and cruelty has been caused by the applicants 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

falsely lodged without any cogent evidence against them. He further submitted that the applicants have been falsely implicated in the crime. Therefore, he prayed to quash the report as well as the charge sheet.

6. 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. There was consistent harassment on account of giving birth to a baby girl. The applicants were not even allowing the informant to cook food. The informant was kept on starvation. 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.

7. Learned advocate for respondent No.2-informant submitted that the applicants have treated the informant with cruelty. The names of the applicants are mentioned in the report with specific role attributed to them regarding harassment caused to the informant on account of giving birth to a baby girl and also on account of sharing of parental property. The applicants also used to keep her on starvation. The applicants have treated the informant with cruelty, which

constitute the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. Learned advocate lastly prayed to reject the application.

8. 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.....”

9. We have perused the charge sheet, particularly report and the statements of witnesses. On perusal of the report and the charge sheet, it reveals that the husband of the informant was harassing her for getting share out of parental property. Though there are allegations of starving the informant and not allowing her to cook food, those are of general nature and no specific date and time is stated as to when the informant was starved. All these allegations made against the applicants are of general nature and those are not sufficient to establish the essential ingredients of Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. against these applicants. Therefore, on the basis of vague report and the statements of witnesses, if the applicants are compelled to face the trial, that would be an abuse of process of the court. The case is made out for exercise of powers under section 482 of the Cr.P.C. in favour of the applicants. We are therefore, inclined to allow the application, in the interest of justice, to prevent abuse of process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The F.I.R. No. 255 of 2023, registered with Navamondha police station, Parbhani, District Parbhani for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and subsequent charge sheet No. 268 of 2023, stand quashed to the extent of applicant Nos. 2 to 5.

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

rlj/