



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

CRIMINAL APPLICATION NO. 1721 OF 2023

1. Naresh Ramkrushna Bhutkar
(Husband of R No. 2)
Age:53 Years, Occ. Agri
R/o Shukravar Peth, Ekta Marg,
Washim, Dist. Washim.
2. Manglabai Ramkrushna Bhutkar,
(Mother in Law)
Age: 71 Years, Occ. Household,
R/o Shukravar Peth, Ekta Marg,
Washim, Dist. Washim.
3. Suresh Ramkrushna Bhutkar,
(Brother in law)
Age 54 yrs. Occ. Agri,
R/o.51-2, Gopinath Society-2,
Near Swaminarayan School,
Bhesan, Surat Gujrat.
4. Anita Suresh Bhutkar
(Wife of Applicant No. 3),
Age: 52 Years, Occ. Household,
R/o.51-2, Gopinath Society-2,
Near Swami Narayan School,
Bhesan, Surat Gujrat.
5. Surekha Vijay Sali,
Age: 51 , Occ. Household,
R/o. Deulgaon Raja,
TQ. Deulgaon, Dist. Buldhana.

... Applicants

Versus

1. The State of Maharashtra
Through its Aasti Police Station,
Tq. Aasti, Dist. Beed.

2. Aarti Naresh Bhutkar,
Age: 34 Years, Occ. Household,
R/o. Murshadpur, Tq. Aasti, Dist. Beed. ... **Respondents**

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Mr. Balasaheb N. Magar, Advocate for Applicants.
Mr. V. K. Kotecha, APP for Respondent / State.
Mr. R. G. Narwade, h/f Mr. S. E. Shekade, Advocate for Respondent No.2.

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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.177 of 2022, dated 4th June, 2022, registered with Aashti Police Station, District Beed, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 and the consequential Charge-Sheet No.123 of 2022 in RCC No.160 of 2022 as well as proceedings in RCC No.160 of 2022, pending in the Court of learned Judicial Magistrate First Class, Aashti.

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

4 The informant averred in the report that she married with applicant No.1 on 31st July, 2013. It was a registered marriage. The informant further averred that earlier she was married to Vijay Keshav Pawale. They were having one son namely Vedant, who was 14 years of age at the time of lodging of the report. The divorce between her and said Vijay took place. Thereafter, her marriage was performed with applicant No.1.

5 The informant further averred that applicant No.1 is the Talathi at Malegaon Sajja, District Washim. Applicant No.1 was also previously married and divorced. Thereafter, he married with the informant. The informant is having a 9 years old son from the marriage with applicant No.1. After the marriage, all the applicants started to harass the informant. They demanded Rs.5,00,000/- from her for construction of the house. They used to abuse and beat her. She intimated that fact to her father, brother, sister and maternal aunt by making phone call. Because of the poor financial position of her

parents, she could not fulfill the demand of Rs.5,00,000/-. Applicant No. 4 and 5 were frequently visiting her parents' house and demanding Rs.5,00,000/- from her father. They were saying that if it is not possible, give divorce to applicant No.1. They used to say to the informant that they would find a better bride for him. Brother and father of the informant tried to convince the applicants that they are financially poor. They also tried to convince the informant to stay with applicant No.1, even though she is treated with cruelty.

6 The informant further averred that applicant No.1 was having illicit relationship with many women. The applicants were not allowing the informant to go outside of the house. They used to keep her on starvation and compelling her to do the entire house chores. For the sake of her sons' future, she was bearing that cruelty. She was expelled from the house, hence she started residing at her parent's house alongwith her sons. On 2nd June, 2022, the applicants came to Aashti. They were saying either to pay Rs.5,00,000/- for construction of house or to give divorce to applicant No.1. Upon a clear denial by the informant, the applicants beat her with kicks and fist blows in front of her father and threatened to kill her. Hence, she lodged the report against the applicants on 4th June, 2022.

7 The learned counsel for the applicants submits that the

applicants are falsely implicated in the crime. There are vague allegations against them. No specific incident is stated by the informant in her report as to when demand of Rs.5,00,000/- was made. There is no cogent and acceptable evidence against the applicants. He submitted that if the applicants are compelled to face the trial, they will certainly suffer. He lastly prayed to allow the application.

8 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.

9 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 are involved in serious crime. They treated the informant with cruelty. They demanded Rs.5,00,000/- to the informant for construction of house. He 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 report and the charge-sheet, particularly, the statements of witnesses. The witnesses have stated

similar facts as stated by the informant in her report. No specific incident is stated by the informant as to when all the applicants gathered there and demanded Rs.5,00,000/- to her. Applicant No.3 is serving at Surat (Gujarat). Applicant No. 4 is residing with applicant No.3 at Surat. Applicant No. 5 is residing at village Deulgaon Raja, Taluka Deulgaon, District Buldhana. From the entire charge-sheet, it is not revealed as to when exactly applicant Nos.4 and 5 went to the house of the informant and demanded Rs.5,00,000/- and threatened her for giving divorce. General, vague and omnibus allegations are made against the applicants, which do not constitute the essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC. 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 and 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. Crime No.177 of 2022, dated 4th June, 2022, registered with Aashti Police Station, District Beed, for

the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 and the consequential Charge-Sheet No.123 of 2022 in RCC No.160 of 2022 as well as proceedings in RCC No.160 of 2022, pending in the Court of learned Judicial Magistrate First Class, Aashti, stands quashed as against all the applicants.

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