



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1609 OF 2023

1. Mukund s/o Balasaheb Pimpale
Age 33 years, Occ. Service
R/o. C-804, GK Silver Land
Residency, Phase No. III,
Near Sameer Lawns, Ravet Kivale,
Pune, District Pune
(Husband of informant)
(withdrawn)
2. Balasaheb Punjahari Pimpale
Age 62 years, Occ. Agril,
R/o. Dehere, Tq. Nagar
District Ahmednagar
(father in law of informant)
(withdrawn)
3. Kirti w/o Balasaheb Pimpale
Age 55 years, Occ. Household
R/o. Dehere, Tq. Nagar
District Ahmednagar
(Mother in law of informant)
4. Mayur s/o Balasaheb Pimpale
Age 29 years, Occ. Service
R/o. Dehere, Tq. Nagar
District Ahmednagar
(Brother in law of informant)
5. Kaveri w/o Mayur Pimpale
Age 25 years, Occ. Household
R/o. Dehere, Tq. Nagar
District Ahmednagar
(Co-sister in law of informant)
6. Priyanka w/o Swapnil Dengale
Age 32 years, Occ. Household
R/o. Sila Katamul, Halugurisuk
P.O./P.S. Changsari, District Kamrup,
(Assam State)

(Sister in law of informant)

...Applicants

Versus

1. The State of Maharashtra
Through Police Station,
Rahuri, Dist. Ahmednagar
2. Anjali w/o Mukund Pimpale
Age 29 years, Occ. Household,
R/o. Karajgaon, Tq. Rahuri
District Ahmednagar

...Respondents

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Mr. Yuvraj S. Choudhari, Advocate for the applicants
Mr. V.K. Kotecha, A.P.P. for the respondent No.1
Mr. Rahul R. Karpe, Advocate for respondent No.2.

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

DATED : 08th APRIL, 2025

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

1. This application has been filed under section 482 of the Code of Criminal Procedure 1973 (for short "Cr.P.C.") for quashing of the First Information Report (for short "F.I.R.") vide C.R. No. 332 of 2023 dated 27.03.2023 registered with Rahuri police station, District Ahmednagar for the offences punishable under sections 498-A, 354, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 (for short "I.P.C.") as well as the consequential criminal case bearing R.C.C. No. 234 of 2023 pending before the Judicial Magistrate, First Class, Rahuri, district Ahmednagar.

2. After hearing both sides, when this court shown disinclination to allow the application of applicant Nos. 1 and 2, learned advocate for the applicants, on instructions, seeks leave to withdraw the application to their extent. Leave granted.

3. The applicant 3 is the mother-in-law, application No.4 is brother-in-law, applicant Nos. 5 and 6 are the sisters-in-law of the informant-respondent No.2.

4. The informant averred in the report that she married on 16.5.2017 with the son of applicant No.3, who is mother-in-law of the informant. She started to cohabit with her husband at village Dehere, Tq. and district Ahmednagar. Her husband, father-in-law, applicant No.3 her mother in law, applicant No.4 her brother-in-law and grand mother-in-law were residing jointly under one roof. After 1½ to 2 months of marriage, the informant went to reside with her husband at Pune.

5. The informant further averred that, in the year 2017, her husband said to her that they have to purchase new furniture, therefore, she should fetch money from her parents for the same. She tried to convince her husband by saying that how and why should her parents give that amount, upon which her husband

became angry and abused her. To avoid the quarrel, she fetched an amount of Rs.1,21,000/- from her parents in her account through online and paid it to her husband. After that, during Dashara festival, she came to village Dehere alongwith her husband, as she had conceived in the year 2018 her husband left her at Dehere and went to Pune. At about 5.00 a.m. when she was sleeping in her bed room, her father in law Balasaheb came in that room, dragged and hugged her. She shouted loudly, ran out of that room and told that incident to her mother in law Kirti. At that time, her mother in law convinced her to remain silent by saying that that if she tells that incident to others, the reputation of the family will be lost and the marriage of her sister will not be settled. Therefore, she remained silent and did not tell it to anybody. Thereafter, she and her husband went to Pune.

6. The informant further averred that in the month of January, 2019, the informant was sent at her parental home for delivery. She begotten a baby girl on 3.4.2019. Thereafter, on 01.04.2022, her husband told her that nobody from her parental side should come for the birthday of Manasvi i.e. daughter of the informant. Upon her insistence on calling her parents her husband beat her. She called her maternal uncle and father at Pune and told them about the said incident. They tried to convince her husband. Thereafter, for about 6-7 months, her husband did not behave properly with her.

7. The informant further averred that, in the month of October, 2022, she came for Diwali festival at Dehere. When she was in the kitchen, her father in law, Balasaheb came there and outraged her modesty. When she screamed, at that time, her mother-in-law Kirti, brother-in-law Mayur, co-sister-in-law, Kaveri came to her and told her that she should not tell about that incident to anybody. She was pressurized and forced to remain silent. She was also kept on starvation and harassed mentally as well as physically.

8. On 26.10.2022 at about 7.00 a.m. when she was brushing teeth, her father-in-law touched her waist. Upon which, when she shouted, her father-in-law abused and beat her by holding her hair. The informant came out of house and made phone call to her father. Meanwhile, till her father came, her father-in-law was taken out by his friend. After her father came, she immediately lodged the report.

9. Thereafter, the informant made complaint to Bharosa cell for compromise. The matter was compromised. Thereafter, her husband and mother-in-law took the informant and her daughter to Pune. While she was at Pune, on instigation of applicant No.6 sister-in-law over phone, the husband and mother-in-law beat her by fist and kick blows and kept her on starvation.

10. On 29.01.2023, the informant was abused by her husband and mother-in-law by fist and kick blows. She was kept on starvation and harassed mentally and physically. Thereafter, by calling her father and cousin Dnyaneshwar Balasaheb Kotkar, she was expelled from house alongwith her daughter Manasvi. Therefore, the report was lodged against the applicants, her husband and father-in-law.

11. Learned advocate for the applicants submitted that the allegations made in the F.I.R. are omnibus and general in nature. There are no specific allegations of causing of cruelty against the present applicants. No report was lodged when the informant was residing with her husband. 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 establish that alleged 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 entire family members, the report has been lodged, when there is no evidence against them. He further submits that the applicants have been falsely implicated in the crime. Therefore, he prayed to quash the report as well as the criminal case.

12. Learned A.P.P. for respondent No.1 State strongly opposed

the application and submitted that the applicants have treated the informant with cruelty, physically as well as mentally. The names of the applicants are mentioned in the report. The specific roles are attributed to each of the applicants by mentioning names. They cannot be exonerated from the criminal liability for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C.. It is lastly prayed to reject the application.

13. Learned advocate for respondent No.2-informant submits that the names of the applicants are mentioned in the report with their specific role attributed to them in respect of abuse and beating. The applicants have expelled the informant from house alongwith her young daughter. The applicants have treated the informant with cruelty, which constitute the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. Learned advocate for the informant lastly prayed to reject the application.

14. 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.....”

15. 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.”

16. We have perused the charge sheet, particularly the report and the statements of witnesses. It appears that on earlier occasion, the informant had lodged such vague and omnibus report against the applicants and others on 26.10.2022. Thereafter, the matter was compromised. The demand of money for purchasing the furniture was not made by the present applicants. Though there are allegations against applicant No.6 Priyanka that she made phone call and instigated the husband of informant to expel her from the house, the specific incident is not stated by the informant. From the entire charge sheet it appears that the essential ingredients of Section 498-A, 323, 504, 506 r.w. 34 of I.P.C. are not establishing against these applicants. In such situation, if the applicants are compelled to face the trial, it would certainly be an abuse of process of the Court. Therefore, in the interest of justice and to prevent the abuse of process of the Court, we are inclined to exercise our powers under Section 482 of the Cr.P.C. for quashing of the report and the consequential criminal case. We, therefore, pass the following order:-

O R D E R

I. Criminal application stands partly allowed.

- II. The application to the extent of applicant Nos. 1 and 2 stands dismissed as withdrawn.
- III. The F.I.R. vide C.R. No. 332 of 2023 dated 27.03.2023 registered with Rahuri police station, District Ahmednagar for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. as well as the consequential criminal case bearing R.C.C. No. 234 of 2023 pending before the Judicial Magistrate, First Class, Rahuri, district Ahmednagar, to the extent of applicant Nos. 3 to 6 stand quashed.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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