



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

CRIMINAL APPLICATION NO. 1697 OF 2022

1. Vinodsingh S/o Amarjeet Singh Gyani,
Age: 37 years, Occ: Service,
R/o: House No.3-4-79, Gurudwara Gate No.2,
Chikhalwadi, Nanded, Tq & Dist: Nanded.
2. Rukti Kaur w/o Kahar Lal Deep Singh,
Age: 55 years, Occ: Household,
R/o: House No.782, Ward No.47,
Raipur Naka, Rajiv Gandhi Nagar, Durg,
Tq & Dist: Durg, State: Chhattisgarh.
3. Manjeet Singh S/o Kahar Lal Deep Singh,
Age: 55 years, Occ: Household,
R/o: House No.782, Ward No.47,
Raipur Naka, Rajiv Gandhi Nagar, Durg,
Tq & Dist: Durg, State: Chhattisgarh.

... Applicants

Versus

1. State of Maharashtra,
Through Police Inspector of Vajirabad
Police Station, Tq. & Dist. Nanded.
2. Pornima w/o Pandurang Rathod,
Age: 35 years, Occ: Service,
R/o: Ramdas Yatri Nivas, Gate No.2,
Nanded, Tq. & Dist. Nanded.

... Respondents

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Mr. Mr. Santosh C. Bhosle, Advocate for Applicants.

Mr. N. R. Dayama, APP for respondent No.1 / State.

Mr. R. C. Bora, h/f Mr. Afzal Husain M. Vakil, Advocates for Respondent No.2.
(Appointed Through Legal Aid).

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

DATE : 01st July, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashment of the FIR bearing Crime No.0129 of 2018, dated 11th June, 2018, registered with Vazirabad Police Station, District Nanded, for the offences punishable under Sections 498-A, 323 and 504 read with 34 of Indian Penal Code, 1860 (for short "the IPC") and the Charge-sheet bearing No.77 of 2018.

3 When this Court expressed disinclination to grant relief of quashment of report as well as the charge-sheet to applicant Nos.1 and 2, the learned counsel for the applicants, on instructions, seeks leave to withdraw their application. Leave granted.

4 Applicant No.3 is the brother-in-law of the informant / respondent No.2.

5 Respondent No.2 / informant averred in the report that her marriage was solemnized with the brother of applicant No.3. The informant further averred that in the marriage, her mother had given household articles as well as dowry of Rs.2,00,000/- in cash and one tola of gold ornaments. After the marriage, she resided at her matrimonial home at Nanded. Initially for some time, she was treated well. Thereafter, her husband, mother-in-law Rukmini and brother-in-law Vivek started to treat the informant with cruelty.

6 The informant further averred that her mother-in-law used to frequently taunt her over trivial issues, alleging that her parents had not given anything worthwhile in the marriage and that her parents are poor. She further alleged that her husband and mother-in-law used to tell her that if they married within their own caste, they would have received a better bride alongwith substantial dowry. They used to say that their fate was unfortunate for having received a girl like informant. On that count, they were frequently taunting her. Thus, the relatives of her husband harassed her.

7 The informant further averred that her mother-in-law used to abuse her mother and did not permit her mother to visit their home in Nanded to see the informant's child. On multiple occasions, the applicants demanded money from the informant, insisting that she

should bring money from her parental home to set up a business for the husband of informant. Upon her failure to fulfill their demands, the applicants assaulted her and abused her in filthy language. Thereafter, the informant reported the entire incident to her mother and brother, who, thereafter, informed her maternal uncles Vitthalsingh Lalu Pawar and Nathsinh Lalu Pawar. Both uncles visited her matrimonial home and tried to convince the accused not to harass the informant. However, they did not pay any heed to them.

8 The informant further averred that in the month of May 2018, she lodged a complaint at Vazirabad Police Station against her husband, mother-in-law and brother-in-law regarding the same. However, no effective action was taken. Subsequently, the accused again demanded Rs.2,00,000/- from her parental home for setting up the business of the husband of informant. They abused her and assaulted her. Thereafter, they forcibly drove her and her child out of the matrimonial house. On 7th June, 2018, the informant submitted a written complaint before the Women's Assistance Cell at Nanded. However, the matter was not compromised. Therefore, she lodged the report.

9 The learned counsel for the applicants submitted that applicant No.3 is falsely implicated in the crime. There is no cogent

and acceptable evidence against him. Vague and general allegations are made against him. Even the informant does not know the proper name of applicant No.3. If applicant No.3 is compelled to face the trial, it would be an abuse of the process of the Court. He lastly prayed to allow the application.

10 The learned APP for the State strongly opposed the application and submitted that applicant No.3 is involved in a serious offence. His name is mentioned in the report. He lastly prayed to reject the application.

11 The learned counsel for the informant / respondent No.2 also strongly opposed the application. He submitted that the name of applicant No.3 is mentioned in the report. He is involved in a serious crime. He demanded money from the informant for setting up the business of the husband of informant. He committed anti-social crime. There is strong evidence against him. He lastly prayed to reject the application.

12 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....”

13 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.”

14 We have perused the charge-sheet, particularly, the report and the statements of witnesses. The witnesses have stated similar facts as stated by the informant in the report.

15 The application of applicant Nos.1 and 2 is withdrawn. So far as applicant No.3 is concerned, general and vague allegations are made against him. It is not clear either from the report or from the statements of witnesses as to how applicant No.3 caused cruelty to the informant. The role of applicant No.3 is not specifically stated in the report. Even his name is also not properly mentioned in the report. The essential ingredients of Sections 498-A, 323 and 504 are not establishing against applicant No.3. If the entire material is considered together, then it would certainly be an abuse of the process of the Court, if applicant No.3 is directed to face the trial. We are therefore, inclined to allow the application to the extent of applicant No.3, 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 the Court. The application, therefore, deserves to be partly allowed. Hence, the following order:-

ORDER

- I. The application is partly allowed.
- II. The application of applicant Nos.1 and 2 stands dismissed as withdrawn.
- III. The application is allowed in terms of prayer clause (B) to the extent of applicant No.3 only.

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