



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1672 OF 2023

1. Chandraprabha w/o Shrikant Shelke  
Age 48 years, Occ. Household /  
Director, R/o. B-8, Disha Sankul,  
Jawahar Nagar, Garkheda Parisar,  
Near Reliance Mark, Garkheda  
Aurangabad, District Aurangabad  
(sister in law of informant)
2. Shrikant s/o Chandrkant Shelke  
Age 50 years, Occ. Business,  
R/o. B-8, Disha Sankul,  
Jawahar Nagar, Garkheda Parisar,  
Near Reliance Mark, Garkheda  
Aurangabad, District Aurangabad  
(husband of sister in law of informant) ...Applicants

Versus

1. The State of Maharashtra  
Through the police Station, Officer,  
Ambajogai City police Station,  
Ambajogai, District Beed
2. Jyoti w/o Pradip Tele,  
Age 35 years, Occ. Household  
R/o. Hingangaon, Tal. Kallam,  
District Osmanabad,  
at present Prashantnagar,  
Ambajogai, Tq. Ambajogai,  
District Beed ...Respondents

.....  
Mr. A.R. Devkate, Advocate for the applicants  
Mr. S.A. Gaikwad, A.P.P. for the respondent No.1  
Ms. Neha Udavant h/f Mr. S.J. Salunke, Advocate for respondent  
No.2.  
.....

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

**DATED : 25<sup>th</sup> JUNE, 2025**

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

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing of F.I.R. vide C.R. No. 107 of 2023 registered with Ambajogai police Station, Ambajogai, District Beed 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 the consequential criminal case bearing R.C.C. No. 144 of 2023 pending before the learned Judicial Magistrate, First Class, Ambajogai, district Beed.
3. The informant averred in the report that she married with Pradip Sahebrao Tele on 16.6.2014, the brother of applicant No.1. The applicant No.2 is husband of applicant No.1. At the time of marriage, her father had given a dowry of Rs.5,51,000, thirty-one tolas of gold ornaments and household articles, along with other customary gifts and hospitality. After the marriage, she was taken to her matrimonial home at Hingangaon. Thereafter, her husband took her to Pune. In the month of July 2014, on account of her wearing a dress, her husband abused her, tore her clothes, and threatened her

to only wear a saree and live according to his terms, if she wished to stay in Pune. The applicants and other accused were coming in the house of her husband at Pune and they were taunting and abusing for trivial reasons. They were compelling her to do all household chores throughout the day. They also took away all her ornaments and persistently pressured her to demand Rs.20,00,000 from her parents for starting a business and purchasing a house in Aurangabad. They threatened that if the demand was not fulfilled, they would perform the second marriage of her husband Pradip. The informant further averred that her husband was saying to her that she should emotionally influence his maternal aunt and uncle and ensure that their entire property is transferred in his name, as they have no child. On her refusal, she was repeatedly abused and assaulted physically.

4. The informant further averred in the report that in the month of February 2015, due to pregnancy, she was sent to her maternal home at Ambajogai for delivery. She begotten a male child, Yash on 10.4.2015. In November 2015, when she returned to Hingangaon with the child, her husband abandoned her there and left for Pune. Her in-laws began harassing her by keeping her on starvation. Despite this, she continued to bear the ill-treatment and stayed with them. The applicant No.1 Chandraprabha served her tea by mixing

unknown powder in it. Upon noticing the powder settled at the floor, she confronted that to the applicants, but they intimidated her and threatened not to disclose it to anyone.

5. The informant further averred that when her mother was suffering from cancer, she was proceeding to Ambajogai, at that time, the applicants and other accused abused her. At that time she was pregnant. In the month March, 2020, her husband beaten her mercilessly. Her dish of meal was thrown on her person. She was bearing such bad treatment and cruelty on the part of the applicants and other accused persons. On 4.11.2020 she delivered a baby girl viz. Vedangi, on 04/11/2020. After about two and a half months, she returned to Aurangabad. Her son was not admitted to school, and her husband demanded that her father should bear the school fees. On 28/02/2021, her husband dropped her at Hingangaon and he returned to Aurangabad. There, her in laws were teasing her on one and the same count.

6. The informant further averred that she later returned to Aurangabad in August 2021, where her husband assaulted her again over an issue of milk. Due to postnatal weakness and recurring infections, she fell ill frequently, but her husband never took her to the hospital. Instead, he told her that he was waiting for her death.

Her husband then called his parents and applicant no.1 to Aurangabad, where they all tortured her and did not allow her to go outside or talk on the phone. Despite all this, she remained silent and continued to suffer the abuse.

7. The informant further averred that, on 16/09/2021, her elder brother's marriage took place in Ambajogai, but she was not allowed to attend it. The informant stated that due to the continuous harassment and financial demands, she had informed her father, brother, uncle and maternal uncle. Her maternal relatives even visited her in-laws to persuade them, explaining their financial incapacity and requesting them to treat her properly. However, her in-laws persistently abused, insulted, and assaulted her. She refrained from lodging any complaint in the past as she did not want her marriage to break and desired to maintain the relationship. But the applicants and other accused persons acted in connivance and on 24/10/2021, assaulted her with fists and slaps, subjected her to verbal abuse, physical torture and starvation, and drove her out of the matrimonial house as she failed to bring Rs.20,00,000 from her parents for business purposes. Since then, she had been residing with her children at her maternal home in Ambajogai. Despite frequent requests of the informant's father, brother, uncle, and maternal uncle to take her back, threats were issued that if she was

brought back, they would kill her.

8. The informant further averred that, on 14/03/2023, the aforesaid persons again came to her parental house in Ambajogai, reiterated the monetary demand, and threatened that if the money was not paid, they would proceed with arranging a second marriage for her husband. Therefore, she lodged the report on 1.3.2023 against the applicants and other accused persons.

9. Learned advocate for the applicants submitted that general and baseless allegations are made against these applicants. The applicants are residing at Aurangabad whereas the informant was residing at Hingangaon, in Osmanabad district. It is not specifically stated as to when these applicants went to the matrimonial home of the informant and demanded the amount of Rs.20,00,000/-. Although the names of the applicants are mentioned in the F.I.R., the allegations against them are made without quoting their specific role. Further, the date and time of alleged demand of Rs.20,00,000/- for starting a new business and purchase of house is not specifically mentioned in the report. The report is not lodged immediately of the alleged incident of abusing and beating and thus there is a delay in lodging the report. 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 prove that the harassment and cruelty has been caused to the informant. The 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 lodged falsely. He further submits that the applicants have been implicated in the crime without any basis. Therefore, he prayed to quash the report as well as the consequential proceedings.

10. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by submitting that the applicants used to visit the matrimonial house of the informant and treated the informant with cruelty. There was a consistent demand of amount of Rs.20,00,000/- from the parents of informant for starting new business and for purchase of house and on account of non fulfillment of the said demand, the applicants have treated the informant with cruelty. The applicants and other accused persons have caused harassment to the informant mentally as well as physically. The names of the applicants are specifically mentioned in the report. The specific roles are attributed to each of the applicants by mentioning their names. They cannot be exonerated from the criminal liability.

11. 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.....”*

12. We have perused the charge sheet, particularly the report and the statements of witnesses. Prima facie, it appears that main allegations of demand of Rs.20,00,000/- are not made against the present applicants. It further appears that the witnesses have stated similar facts as stated by the informant in her report. Admittedly, the applicants are residing at Garkheda, Aurangabad. As to when they went to the house of the informant and specifically harassed her by demanding of Rs.20,00,000/- for starting new business and purchase of house is not stated in the report or the statements of witnesses. The vague and general allegations of cruelty are made against the applicants. Considering all these aspects, charge sheet does not establish essential ingredients of cruelty as defined under Section 498-A, 323, 504, 506 r.w. 34 of the I.P.C. Therefore, on such vague and general allegations, compelling the applicants to face the trial, would be an abuse of process of the court. The case is made out for exercise of our discretionary powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice to prevent the abuse of process of the Court. Hence, the following order:-

#### O R D E R

- I. The application stands allowed.
- II. The F.I.R. vide C.R. No. 107 of 2023 registered with

Ambajogai police Station, Ambajogai, District Beed for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. and the consequential criminal case bearing R.C.C. No. 144 of 2023 pending before the learned Judicial Magistrate, First Class, Ambajogai, district Beed stand quashed and set aside to the extent of present applicants.

**(SANJAY A. DESHMUKH, J.)**

**(SMT. VIBHA KANKANWADI, J.)**

rlj/