



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

CRIMINAL APPLICATION NO. 1886 OF 2024

1. Pravin s/o. Tulshiram Lanjile,
Age : 28 years, Occu.as on today Nil,
2. Surekha w/o Tulshiram Lanjile,
Age : 52 years, Occu. H.H.,
3. Tulshiram s/o Pandurang Lanjile,
Age:58 years, Occu. Agri.,
4. Pradip s/o Tulshiram Lanjile,
Age : 22 years, Occu. Education,
5. Muktai @ Muktabai Pandurang Lanjile,
Age : 80 years, Occu. Nil,
Applicant no.1 to 5 are
R/o : Vivekanand Nagar, Naik Chauk,
Udgir Ta. Udgir, Dist. Latur
6. Venkat s/o Namdeo Ugile,
Age : 54 years, Occ. H. H.
Applicant No.6 and 7 are
R/o. Nalgir, Tal, Udgir Dist. Latur
7. Surnita w/o Venkat Ugile
Age: 48 years, Occ. H. H.
Applicant No.6 and 7 are
R/o. Nalgir, Tal. Udgir Dist. Latur

... Applicants

-VERSUS-

1. The State of Maharashtra,
Through Superintendent of Police
Beed Dist. Beed
2. The Police Inspector
Police Station, Ambajogai (City),

Tq. Ambajogai, Dist. Beed

3. Akshata w/o Pravin Lanjile, @
Akshata d/o Angad Fulase
Age : 27 years, Occu. H. H.

R/o. Anand Nagar, Ambajogai
Tq. Ambajogai, Dist. Beed

...Respondents

...
Mr. Ram S. Shinde for the Applicants
Ms. Ranjana Reddy Advocate for Respondent No.3
Mrs. P. R. Bharaswadkar, APP for Respondents/State
...

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

DATED : 25th APRIL 2025

O R D E R (Per Sanjay A. Deshmukh J.) :-

1. This is an application for quashment of the First Information Report ('FIR') vide Crime No.454 of 2023 registered at City Police Station Ambajogai, Tal. Ambajogai, Dist. Beed, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC').

2. This Court while issuing notice expressed disinclination to entertain the application in respect of applicant no.1. By order dated 7th May 2024, application was dismissed as withdrawn to the extent of applicant no.1. As far as respondent nos.2 and 3, during the course of hearing this Court has shown disinclination to grant any relief to

applicant nos.2 and 3. The learned Counsel for the applicant on instruction seeks leave to withdraw the application as against applicant nos.2 and 3.

3. Learned Advocate for the applicants pointed out that report is lodged by the respondent No.3/informant alleging that she married with brother of applicant no.4 on 06.11.2022. Applicant no.4 is brother-in-law of the informant. Applicant no.5 is grand mother-in-law of the informant. Applicant no.6 is maternal uncle of husband of the informant and applicant no.7 is his maternal aunt.

4. Informant averred in the report that two days after the marriage when she went for cohabitation, her husband and all the family members told her not to talk with her husband and not to enter into his room. After the completion of entire rituals on 11.11.2022 when the informant went to the room of her husband for sleeping, she was expelled by him from the room. He said to her not to come in his room. She told that incident to the family members of the informant. They told to follow his directions for today and then next day when she entered in the room of her husband he said to her that he is unable to perform sexual intercourse with her. He is not able to give marital satisfaction to her. He has performed his marriage only to avoid dis-reputation in the society. He said that this fact is known to his parents,

maternal uncle and aunt. Informant was frightened. She told that fact to the applicants and her in-laws. She questioned them as to why that fact was not stated to her parents prior to their marriage and why have they cheated her. The applicants and her in-laws told to not tell this fact to anybody and if she tells that fact to anyone they will put her in bad condition. They took out her mobile handset. They did not allow her to contact with her parents.

5. Informant further averred that maternal uncle and aunt of the husband of the informant were called at Udgir. They all started to harass the informant. Applicants said that we have planned to purchase a plot at Udgir. They demanded Rs.20,00,000/- for purchasing of that plot. They started abusing the informant by kicks and fists and keeping her starved. She said that her parents are not able to pay that amount, they have incurred huge amount for her marriage. Informant was not allowed to talk on the phone to her parents and she was also not allowed to go out. Informant further told that on 28.12.2022 because of dizziness she fell down and became unconscious. She was admitted in the hospital. Her parents were called there. They took her to the hospital at Solapur. She was admitted there for one and half month. Thereafter her parents took her to their house at Ambajogai. She told the incident of harassment to them. The applicants and family members

of husband of the informant were called there. They did not turn up. Informant thereafter made a complaint to the Womens Counseling Center, Ambejogai but applicants did not come there. Thereafter the informant lodged the report.

6. The learned counsel for the applicants submits that the applicants are falsely implicated in the crime. There are general and vague allegations against them. No specific incident is stated by the informant in her report as to when demand of Rs.20,00,000/- was made for purchasing the plot. There is no cogent and acceptable evidence against applicant nos.4 to 7. He submitted that if the applicants are compelled to face the trial, they will certainly suffer. He lastly prayed to allow the application.

7. 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. They have demanded Rs.20,00,000/- for purchasing the plot. They have treated the informant with cruelty. He lastly prayed to reject the application.

8. Learned advocate for respondent No.3-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 in respect of demand of Rs.20,00,000/- for purchase of plot and due to non fulfillment of that demand, the informant has been harassed frequently by the applicants. 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 lastly prayed to reject the application.

9. Here, it is relevant to refer to the decision of the Hon'ble 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...."

10. 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."

11. We have perused the charge sheet, particularly, FIR and statements of the witnesses. The witnesses have stated similar facts as stated by the informant in her report. The role of applicant nos.4 and 5 is not specifically stated in the report. As far as role of applicant nos.6 and 7 is concerned it is stated that they said that plot is proposed to be purchased at Udgir for which Rs.20,00,000/- were demanded but no specific incident is stated as to when they both came there and they demanded Rs.20,00,000/- to her. The vague and general allegations are made by the informant. If all these aspects are considered together, the report and charge sheet does not establish the essential ingredients of Sections 498-A, 323, 504, 506 read with Section 34 of the IPC. The allegations are made against the other applicants i.e. husband and parents-in-law of the informant, however, they have withdrawn their applications. Considering all these aspects, if the applicants are compelled to face the trial, it would certainly be an abuse of the process of Court. We are therefore inclined to exercise our inherent powers under Section 482 of the Cr.P.C. in favour of applicant nos.4 to 7 to prevent abuse of the process of the Court in the interest of justice. The application deserves to be allowed. Hence, the following order :-

ORDER

- i. Application is partly allowed.
- ii. The application is disposed of as withdrawn with respect to applicant Nos.1 to 3
- ii. Application is allowed with respect to applicant Nos.4 to 7. First Information Report ('FIR') vide Crime No.454 of 2023 registered at City Police Station Ambajogai, Tal. Ambajogai, Dist. Beed, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC') quashed as against applicant Nos.4 to 7.

[SANJAY A. DESHMUKH J.]**[SMT. VIBHA KANKANWADI J.]***Narwade*