



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

CRIMINAL APPLICATION NO. 1686 OF 2023

1. Raosaheb S/o Babasaheb Aher,
(Husband)
Age 38 years Occu. Agri,
2. Babasaheb S/o Punjaba Aher,
(Father-in-law)
Age 75 years, Occu. Agri.
3. Nandabai W/o Babasaheb Aher,
(Mother-in-law)
Age 69 year Occu. Household,
4. Somnath S/o Babasaheb Aher,
(Brother-in-law)
Age 36 years Occu. Agri,
All R/o. Mali Sagaj, Tq. Vaijapur,
District Aurangabad.

... Applicants

Versus

1. State of Maharashtra,
Through Investigation Officer,
Police Station, Waluj,
Tq. Gangapur, District Aurangabad.
2. Sow. Savita W/o Raosaheb Aher,
(Complainant)
Age 38 years Occu. Household,
R/o Malisagaj Tq. Vaijapur,
District Aurangabad.
At present Line Nagar, Waluj,
Tq. Gangapur, District Aurangabad.

... Respondents

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Ms. Shwetambari Bhingardev, h/f Ms. Sunita R. Shinde, Advocates for Applicants.

Mr. A. R. Kale, APP for respondent No.1 / State.

Mrs. Pooja Vijay Langhe, Advocate for Respondent No.2.

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

DATE : 24th June, 2025.

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

1 Heard the learned advocates for the respective parties.

2 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") initially for quashment of the FIR bearing Crime No.392 of 2022, dated 20th December, 2022, registered with Waluj Police Station, Taluka Gangapur, District Aurangabad, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short "the IPC"), and later on, for quashment of the charge-sheet in R.C.C. No.422 of 2023, pending in the Court of learned Judicial Magistrate First Class 5th Gangapur, District Aurangabad.

3 When this Court expressed disinclination to grant relief of

quashment of report as well as the proceedings to applicant No.1, the learned counsel for the applicants, on instructions, seeks leave to withdraw his application. Leave granted.

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

5 Respondent No.2 / informant averred in the report that her marriage was solemnized on 18th February, 2005 with the son of applicant Nos.2 and 3. Thereafter, she resided with her husband at her matrimonial home in Malisagaj, District Aurangabad. After some time, all the family members came to reside in rented premises at Waluj, Taluka Gangapur, District Aurangabad, in adjacent but separate rooms. The informant begot two sons, namely. Sudarshan Raosaheb Aher, aged 16 years and Sarthak Raosaheb Aher, aged 14 years. For the initial twelve years, she was treated well by her husband. However, from the year 2017 onwards, he developed an addiction to alcohol and neglected to provide household necessities to the informant. He used to abuse and beat her on trivial domestic issues. When she told that fact to applicant Nos.2 to 4, they also instigated her husband. They were also teasing her frequently. She told that fact to her parents and brother. They tried to convince her husband and

applicants Nos.2 to 4. However, they were not paying heed to and continued their harassment. Therefore, she lodged a complaint at the Women's Grievance Redressal Centre, where a compromise took place between the parties. Pursuant to this settlement, the informant, alongwith her husband and their two sons, began to reside at Line Nagar, Waluj, Aurangabad (Chhatrapat Sambhajinar), in the rented house of Padmabai Gawande. There also the applicants started to harass her. They used to beat her. The applicants demanded Rs.50,000/- from her to be brought from her parents' home for the purpose of digging a borewell in their agricultural land at Malisagaj. They threatened that unless she fetches that amount, they will not allow her to cohabit with her husband. When she informed her parents about the demand of money, they expressed their inability to pay that amount due to their poor financial condition. They also tried to convince the applicants not to make such demands. Despite this, the applicants assaulted the informant, starved her, and intensified the harassment.

6 The informant further averred that the applicants once again assaulted her over non-fulfillment of the demand of money and forcibly took away her younger son Sarthak and driven her and her elder son Sudarshan out from the house. Therefore, she lodged the report against the applicants.

7 The learned counsel for the applicants submitted that applicant Nos.2 to 4 are falsely implicated in the crime. There is no cogent and acceptable evidence against them. Vague and general allegations are made against them. If applicant Nos.2 to 4 are compelled to face the trial, it would be an abuse of the process of the Court. She 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 a serious offence. Their names are mentioned in the report. They committed anti-social crime. He lastly prayed to reject the application.

9 The learned counsel for the informant / respondent No.2 also strongly opposed the application. She submitted that the names of the applicants are mentioned in the report. They are involved in serious crime. There is strong evidence against them. She 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 charge-sheet, particularly, the report and the statements of witnesses. The witnesses have stated similar facts as stated by the informant in the report.

13 The application of applicant No.1 is withdrawn. So far as applicant Nos.2 to 4 are concerned, general and vague allegations without specifying specific incident are made against them that they were harassing the informant and demanding Rs.50,000/- for the purpose of digging a borewell. When that incident of demand took place is not specifically stated either in the report or the statements of witnesses. They are implicated in the crime only because they are relatives of the husband. If the entire material is considered together, then it would certainly be an abuse of the process of the Court, if applicant Nos.2 to 4 are directed to face the trial. We are therefore, inclined to allow the application to the extent of applicant Nos.2 to 4, 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 in favour of applicant Nos.2 to 4. Hence, the following order:-

ORDER

- I. The application is partly allowed.
- II. The application of applicant No.1 stands dismissed as withdrawn.
- III. The proceedings in R.C.C. No.422 of 2023, pending in the Court of learned Judicial Magistrate First Class 5th Gangapur, District Aurangabad, arising out of FIR

bearing Crime No.392 of 2022, dated 20th December, 2022, registered with Waluj Police Station, Taluka Gangapur, District Aurangabad, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed to the extent of applicant Nos.2 to 4 only.

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