



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

CRIMINAL APPLICATION NO. 1909 OF 2022

1. Saurabh s/o Shamlal Soni
Age: 35 years, Occ.: Business,
Applicant No.1 is the husband
of Respondent No. 2.
2. Shamlal Satyanarayanji Soni
Age: 67 years, Occ.: Nil,
Applicant No.2 is the father-in-law
of Respondent No. 2.
3. Usha w/o Shamlal Soni
Age: 61 years, Occ.: Household,
Applicant No.3 is the mother-in-law
of Respondent No. 2.
4. Dolly d/o Shamlal Soni
Age: 40 years, Occ.: Medical Practitioner,
Applicant No.4 is the Unmarried sister-in-law
of Respondent No.2.
5. Khushbu w/o Anupam Soni
Age: 37 years, Occ.: Education,
Applicant No.5 is the married sister-in-law
of Respondent No. 2.

All R/o 100/A, Sachhidanand Nagar,
Annapurna Road, Sudama Nagar,
Indoor, Madhya Pradesh State.

... Applicants
(Ori. Accused 1 to 5)

Versus

1. The State of Maharashtra
Through Investigation Officer,
Crime No.0170/2021
Itwara Police Station, Nanded
Tq. & Dist. Nanded.

2. Pooja Saurabh Soni
Age: 35 yrs., Occ.: Household,
R/o Sarafa Bajar, Bhojalal Chowk,
Devi Mandir, At. Post. Tq. Dist. Nanded. ... **Respondents**
(Ori. Complainant)

...

Mr. Sandeep B. Rajebhosale, Advocate for Applicants.
Mr. A. R. Kale, APP for Respondent / State.
Ms. Rajshree Gudgilla, Advocate for Respondent No.2.

...

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

DATE : 26th June, 2025.

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

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing of the proceedings in R.C.C. No.83 of 2022, pending in the Court of learned Judicial Magistrate First Class, Nanded, arising out of FIR bearing Crime No.0170 of 2021, dated 17th July, 2021, registered with Itwara Police Station, Taluka and District, Nanded, for the offences punishable under Section 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short “the IPC”).

3 The application of applicant No.1 was already withdrawn on 10th July, 2023.

4 Applicant Nos.2 and 3 are the parents-in-law of the informant / respondent No.2. Applicant Nos.4 and 5 are the sisters-in-law of the informant.

5 Respondent No.2 / informant averred in the report that on 17th May, 2009, her marriage was solemnized as per the customary rites by her parents with the son of applicant Nos.2 and 3, resident of Sachhidanand Nagar, Indore (M.P.). After the marriage, the informant was treated well for a period of 5 to 6 months. Thereafter, all the accused started to treat her with cruelty. They used to abuse her, saying that they were not liking her and she had not brought dowry from her parental home. They were keeping her starved. The informant used to tell that fact to her parents whenever she visited her maternal home on holidays.

6 The informant further averred that she gave birth to a son and a daughter. On 16th March, 2020, at about 6:00 a.m., her husband and applicant Nos.2 to 5 brought the informant to her maternal house at Sarafa, Nanded. On the same day, all the accused persons abused

her in filthy language, assaulted her, and demanded Rs.5,00,000/- for their business. They further threatened her that she should not enter in their home again and if she attempted to return, they would kill her. At that time, her parents and other relatives tried to intervene and convince the accused, but to no avail. Since then, the informant is residing at her maternal home in Nanded. Therefore, she lodged the report.

7 The learned counsel for the applicants submits that applicant Nos.2 to 5 are falsely implicated in the crime. False allegation of demand of money is made against them. There is no cogent and acceptable evidence against them. Vague and general allegations are made against them. He lastly prayed to allow the application.

8 The learned APP for the State strongly opposed the application and submitted that applicant Nos.2 to 5 are involved in the serious crime. Their names are mentioned in the report. They treated the informant with cruelty. They have 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 applicant

Nos.2 to 5 are involved in the serious crime. Their names are mentioned in the report. They treated the informant with cruelty. They demanded money to the informant. 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 main allegations of causing cruelty are against the husband, however, his application is already withdrawn. So far as applicant Nos.2 to 5 are concerned, general and vague allegations of cruelty are made against them. Though the incident dated 16th March, 2020 is stated by the informant, it is vaguely stated that applicant Nos.2 to 5 beat her. They are implicated in the crime only because they are relatives of the husband of informant. Considering the above reasons, the essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC are not establishing against applicant Nos.2 to 5.

14 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

5 are directed to face the trial. We are therefore, inclined to allow the application to the extent of applicant Nos.2 to 5, 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 No.1 is already disposed of as withdrawn by order dated 10th July, 2023.
- III. The proceedings in R.C.C. No.83 of 2022, pending in the Court of learned Judicial Magistrate First Class, Nanded, arising out of FIR bearing Crime No.0170 of 2021, dated 17th July, 2021, registered with Itwara Police Station, Taluka and District, Nanded, for the offences punishable under Section 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed to the extent of applicant Nos.2 to 5 only.

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