



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

CRIMINAL APPLICATION NO. 2190 OF 2024

1. Bhushan S/o Anand Shinde, (Husband)
Age: 37 Yrs, Occu: Labour,
R/o Nirgudi, Tq. Dist. Beed.
 2. Anand S/o Kondiba Shinde (Father-in-law)
Age: 63 Yrs, Occu: Labour,
R/o Nirgudi, Tq. Dist. Beed.
 3. Shalini W/o Anand Shinde, (Mother-in-law)
Age 57 Years, Occ. Household,
R/o Nirgudi, Tq. Dist. Beed.
 4. Vinod S/o Anand Shinde (Brother-in-law)
Age: 40 Years, Occu: Service,
R/o Sakshi Park-2, Flat No. 202,
Building-1, C-104, Sukapur, Panvel,
Tq. Panvel, Dist. Raigad.
 5. Suhasini W/o Vijay Maske (Sister-in-law)
Age: 34 Years, Occu: Household,
R/o Asha Store, Opp. Sai Darshan Building,
Dr. Ambedkar Nagar, Lal Dongar,
Mumbai.
- ... Applicants**

Versus

1. The State of Maharashtra,
Through Police Inspector,
Shivajinagar, Beed, Police Station,
Tq. Dist. Beed.
 2. Poonam W/o Bhushan Shinde,
Age: 29 Years, Occu: Household,
R/o Sakshi Park Building, H.No. 202,
Malewadi, Akurdi, Tq. Panvel,
Dist. Raigad.
At Present R/o Mahatma Phule Nagar,
Dhanora Road, Beed, Tq. Dist. Beed.
- ... Respondents**

...
Mr. Mahendra Panditrao Gandle, Advocate for Applicants.
Smt. R. P. Gour, APP for Respondent No.1 / State.
Mr. Amol Ratan Gaikwad, Advocate for Respondent No.2.
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CORAM : **SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 10th March, 2025.

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

. Heard the learned advocates for the respective parties.

2 This is an application under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing the proceedings in R.C.C. No.799 of 2022, pending in the Court of the learned Judicial Magistrate First Class, Beed, arising out of FIR bearing C.R. No.37 of 2022, dated 23rd January, 2022, registered with Shivajinagar Police Station, District Beed, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code (for short “the IPC”).

3 The application of applicant Nos.1 and 3 was already disposed of as withdrawn on 19th August, 2024. The informant is the wife of applicant No.1. Applicant Nos.2 and 3 are the parents-in-law of the informant. Applicant No.4 is the brother-in-law and applicant No.5 is the sister-in-law of the informant.

4 It is averred in the report by the informant that her marriage with accused No.1 was solemnized on 6th June, 2017. Initially for about two months, she was treated well. On 7th August, 2017, the husband of the informant said that her father is rich, however, why he performed informant's marriage with accused No.1. She told him that our relations are old and that her parents trusted him to take care of her and therefore, said marriage was performed. Her husband used to taunt her. She asked as to why he is taunting her. At that time, her husband said her as to why she is questioning him. That time, he beaten her by kicks and fist blows and also slapped her. When she told that fact to her mother-in-law, she also abused the informant and said to the informant that accused No.1 will treat her as per his way. Her mother-in-law said if the informant do not want to stay with him, she may not stay with him. That time, all the applicants abused the informant and expelled her from the house. She told that incident to her parents. They came there and tried to convince the applicants. Thereafter, for some days, the informant was treated properly. She was conceived. She went for delivery to her parents house. She gave birth to a son. At that time, all the family members came to visit the informant and said her that now she gave birth to a son, therefore, she will require her own house. Therefore, the informant was asked to arrange Rs.10,00,000/- for purchasing a flat.

The informant was told that if she failed to arrange that amount, they will not take her back. Thereafter, they did not return for eight months.

5 On 10th March, 2019, the father of informant took her back to her in-laws' house for cohabitation. At that time, her father convinced the family members not to harass the informant and treat her properly. Thereafter, all the family members sat together and questioned her as to whether the arrangement of that money is done or not ? Her mother-in-law and sister-in-law caught hold her hair and beaten her. Her father-in-law as well as brother-in-law also abused her and they even threatened to kill her. After considering her future, she bore that harassment. But the applicants continued demanding money by insulting and beating her. When she could not bear that harassment, she made phone call to her father and told him that the family members are harassing her for Rs.10,00,000/- for purchasing a flat. Thereafter, her parents and other relatives came to her house. Her parents tried to convince the applicants and told them that they are not able to pay that amount. Her parents said that the loan taken for the marriage is not yet repaid. Thereafter, for about three months, the informant was treated properly. Thereafter, all of a sudden, on one night at 12:00 am, her husband beaten her with the help of *Tambia* on her head by saying that the informant is not following their directions. At that time all the applicants assaulted her by kicks and fist blows and

kept her starved. On 22nd November, 2019, the informant was expelled from the house. Therefore, she went to her maternal aunt Rajshree Yadav's house at Ghatkopar and told that incident. The next day, she returned to her parental home at Beed and since then she is residing with her parents. Therefore, she lodged the report.

6 The learned counsel for the applicants submitted that false, vague and omnibus allegations are made against the applicants. They never treated the informant with cruelty. They never demanded Rs.10,00,000/- for purchasing a flat. No specific incident is stated as to when the applicants assaulted / beaten the informant. After approximately 2 and ½ years, the report has been lodged. Applicant No.2 is the old aged father-in-law. Applicant No.4 (brother-in-law) is residing at Panvel, District Raigad. Applicant No.5 (sister-in-law) is residing at Mumbai with her husband. They are falsely implicated in the crime. The essential ingredients of Sections 498-A, 323, 504 and 506 are not establishing from the report and the charge-sheet. He lastly prayed to allow the application by quashing the report and the charge-sheet.

7 The learned APP for the State and the learned counsel for respondent No.2 strongly opposed the application and submitted that the names of the applicants are mentioned in the report. Their roles

are specified. They have demanded Rs.10,00,000/- for purchasing a flat. The informant was beaten and harassed. They further submitted that there is strong evidence against the applicants constituting the essential ingredients of Section 498-A, 323, 504 and 506 of the IPC. They lastly prayed to reject the application.

8 We have perused the report and the charge-sheet.

9 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....”

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 that 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 The statements of parents of the informant, maternal aunt and her husband, are in consonance with the report. When the alleged incident dated 22nd November, 2019, took place, no report was lodged. There is no injury certificate on record to corroborate the same. Specific allegations are not made against applicant Nos.2, 4 and 5 as to when and in which manner they abused and beaten the informant and demanded the amount of Rs.10,00,000/- for purchasing the flat. The main allegations are against applicant Nos.1 and 3 (husband and mother-in-law) that they frequently treated the informant with cruelty. Their application has already been disposed of as withdraw. Considering the entire charge-sheet, we find no substance in the allegations against applicant Nos.2, 4 and 5 as to the cruelty by demanding Rs.10,00,000/- and by beating and abusing. The essential ingredients of Sections 498-A, 323, 504 and 506 are not establishing

against applicant Nos.2, 4 and 5. Considering the facts and circumstances of the case, compelling applicant Nos.2, 4 and 5 to face the trial, would certainly be an abuse of the process of the Court. We are therefore, inclined to partly allow the application by exercising our inherent powers under Section 482 of the Cr.P.C. Hence, the following order:-

ORDER

- I. The application of applicant Nos.1 and 3 is already disposed of as withdrawn by order dated 19th August, 2024.
- II. The proceedings in R.C.C. No.799 of 2022, pending in the Court of the learned Judicial Magistrate First Class, Beed, arising out of FIR bearing C.R. No.37 of 2022, dated 23rd January, 2022, registered with Shivajinagar Police Station, District Beed, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, is quashed to the extent of applicant Nos.2, 4 and 5 only.
- III. The application stands disposed of.

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

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