



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

CRIMINAL APPLICATION NO. 2035 OF 2023

1. Vitthal S/o. Tukaram Kapse
Age : 34 yrs., Occu : Labour,
2. Gangabai W/o. Tukaram Kapse
Age: 64 yrs., Occu: Agri.,
3. Balaji S/o Tukaram Kapse
Age : 32 yrs., Occu : Agri.,
All Applicant Nos.1 to 3 R/o Omerga (Retu),
Tq.Jalkot, Dist. Latur
4. Bebabai W/o Balaji Sukanikar
Age : 44 yrs., Occu : Household,
5. Balaji S/o Bhaguram Sukanikar
Age : 54 yrs., Occu : Labour,
Applicant No.4 & 5, R/o Sukani, Tq. Jalkot,
Dist: Latur
6. Minabai W/o Balaji Kalyankar
Age : 39 yrs., Occu : Household
- 7 Balaji S/o Nivrutthi Kalyankar
Age : 51 Yrs., Occu : Labour,
Applicant No. 6 & 7 R/o Palam Tq. Jalkot,
Dist. Latur
8. Taibai Wd/o Tukaram Bomte
Age : 64 yrs., Occu : Household,
R/o Hadolthi, Tq. Jalkot,
Dist: Latur

... Applicants

-VERSUS-

1. The State of Maharashtra
Through Jalkot Police Station,

Tq. Jalkot, Dist: Latur

2. Gitabai W/o Vitthal Kapse
Age : 40 yrs., Occu : Household,
R/o Omerga (Retu), Tq. Jalkot,
Dist: Latur ...Respondents

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Mr. Deepali S. Patil h/f. Mr. A. P. Yenegure for the Applicants.

Mrs. P. R. Bharaswadkar, APP for Respondents/State.

Mr. Ajinkya Reddy, Advocate for Respondent No.2

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

DATED : 02ND MAY 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.59 of 2019 registered at Jalkot Police Station, Dist. Latur and Charge sheet No. 36 of 2019 dated 15.06.2019 for the offences punishable under Sections 498-A, 323, 506, read with Section 34 of the Indian Penal Code, 1860 ('IPC').

2. This Court on 04.11.2023 while issuing notice had shown disinclination to grant relief to applicant no.1. The learned Counsel for the applicant on instruction seeks leave to withdraw the application as against applicant no.1. Leave granted.

3. Informant averred in the report that applicant no.2 is her mother-in-law, applicant no.3 is her brother-in-law and applicant nos.4,

6 and 8 are sisters-in-law of the informant and applicant nos.5 and 7 are the husbands of applicant nos.4 and 6 respectively.

4. Informant averred in the report that her marriage was performed with applicant no.1 before 14 years. An amount of Rs. 50,000/- as dowry, gold ornaments of two tolas and household articles were also given in her marriage. Applicant further averred that initially for four months she was treated well, thereafter, the applicants demanded Rs.1,00,000/- from her parents for purchasing tractor. That time her father convinced the applicants but thereafter also she was harassed. For some time she stayed with her husband in her father's house. She begot son Tukaram and daughter Varsha. However her husband is neither maintaining her nor giving her agricultural produce from the agricultural land. Informant further averred that on 03.12.2018 all the applicants demanded Rs.1,00,000/- from her for purchasing the tractor. They beat, harassed and expelled her from the house. On 09.01.2019 she filed the application before the Women's Grievance Redressal Cell, Udgir. There also her husband and the applicants refused to compromise the matter. That time applicants said that she may come for co-habitation with the demanded amount. The informant's father and brother are no more and only two acres of land is there, therefore, she is not able to pay that amount and she lodged the report.

5. The learned counsel for the applicants submits that the applicants are falsely implicated in the crime. The general and vague allegations are made against them. No specific incident is stated by the informant in her report as to when the demand of Rs.1,00,000/- was made for purchasing the tractor. There is no cogent and acceptable evidence against applicants. He submitted that if the applicants are compelled to face the trial, they will certainly suffer. He lastly prayed to allow the application.

6. 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.1,00,000/- for purchasing the Tractor. They have treated the informant with cruelty. He lastly prayed to reject the application.

7. Learned advocate for respondent No.2-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.1,00,000/- for purchasing tractor 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.

8. 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...."

9. 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 Hon'ble 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. PC.. the Court is not required to conduct the mini trial."

10. We have perused the charge sheet, particularly, statements of the witnesses. The witnesses have stated similar facts as stated by the informant in her report. The admitted fact is that the husband of the

informant had stayed with her in her father's house and they have begotten a son and a daughter. Though the allegations are made against all the applicants, the husband of the informant has withdrawn his application. From the report and statements of witnesses, it is not clarified as to when the applicant's sisters-in-law who are married and residing at different places, came there and harassed her by demanding Rs.1,00,000/- for purchasing tractor. General and vague allegations are made against the applicants, which do not constitute the offence them punishable under Sections 498-A, 323, 506, read with Section 34 of the IPC. In such fact situation if the applicants are directed to face the trial it would certainly be an abuse of process of Court. We are therefore, inclined to exercise our powers under Section 482 of the Cr.P.C. to quash the report and charge sheet, in the interest of justice to prevent the abuse of process of Court. The application deserves to be partly allowed. Hence, the following order :-

ORDER

- i. Application is partly allowed.
- ii. The application is disposed of as withdrawn with respect to applicant No.1.
- ii. Application is allowed with respect to applicant Nos.2 to 8.

First Information Report ('FIR') vide Crime No.59 of 2019 registered at Jalkot Police Station, Dist. Latur and Charge sheet No.36 of 2019 dated 15.06.2019 for the offences punishable under Sections 498-A, 323, 506, read with Section 34 of the Indian Penal Code, 1860 ('IPC') are quashed as against applicant Nos.2 to 8.

[SANJAY A. DESHMUKH J.]

[SMT. VIBHA KANKANWADI J.]

Narwade