



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2133 OF 2022

1. Santosh S/o. Vaijinath Borate,
Age : 41 Years, Occu. : Majuri,
R/o. Ganesh Nagar, Nimblak,
Tq. & Dist. Ahmednagar.
2. Sunil S/o. Vaijinath Borate,
Age : 37 Years, Occu. : Service,
R/o. Near 238 Battalion, Camp (GC),
Bhopal Bangrasiya Green,
Madhyapradesh.
3. Chandrakala W/o. Vaijinath Borate,
Age : 62 Years, Occu. : Housework,
R/o. Near 238 Battalion, Camp (GC),
Bhopal Bangrasiya Green,
Madhyapradesh.

.... Applicants

VERSUS

1. The State of Maharashtra
Through The Police Inspector,
Ghansawangi Police Station,
Tq. Jalna, Dist. Jalna.
2. Sushma W/o. Santosh Borate,
Age : 32 Years, Occu. : Housework,
R/o. Back Side Tahsil Office,
Ghansawangi, Tq. Jalna,
Dist. Jalna.

.... Respondents

....
Advocate for Applicants : Mr. Ajit B. Chormal
APP for Respondent No.1-State : Mr. V.K. Kotecha
....

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

Dated : 18th July 2025

ORDER [PER SANJAY A. DESHMUKH, J.] :-

1. Heard learned Advocate for the applicants as well as learned APP for the State.

2. This is an application for quashing the First Information Report (hereinafter referred to as “the F.I.R.”) and charge-sheet, under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Ghansawangi, Tq. & Dist. Jalna, arising out of Crime bearing No.0161 of 2022, registered with Ghansawangi Police Station, Dist. Jalna, dated 27.05.2022, for the offences punishable under Sections 498-A, 323 and 504 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as “the I.P.C.”).

3. Learned Advocate for the applicants pointed out the report dated 27.05.2022, in which respondent No.2/informant averred that applicant No.1 is her husband, applicant No.2 is her brother-in-law and applicant No.3 is her mother-in-law.

4. The informant further averred in her report that she married to applicant No.1 on 01.05.2007. After marriage, she was treated well for ten years. She begot a daughter viz. Vaishnavi, aged 14 years and a son viz. Kartik, aged 12 Years. From 05.05.2017 to 01.01.2022, the applicants treated her with cruelty by doubting her character. She was frequently teased her for trifling reasons. She was also frequently harassed for the dowry by the applicants. The applicants demanded Rs.2 Lakhs to her for the construction of house. She used to report that cruelty to her parents when she visited her parental house. Her relatives tried to convince the applicants, however, they continued her harassment. She was driven out of the house by her husband. Since then, she is residing with her parents. Therefore, she lodged the report.

5. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. General and vague allegations are made against these applicants. Although the specific incidents of cruelty are stated by the informant in the report and by the witnesses in their statements, the fact of cruelty is not established from the entire charge-sheet against the applicants. False allegations of cruelty are made against the applicants. The essential ingredients of offences punishable under Sections 498-A, 323 and 504 of the

I.P.C. are not established against the applicants. If they are compelled to face the trial, it would certainly be an abuse of the process of the Court. It is lastly prayed to allow the application.

6. Learned APP for the State strongly opposed the application and submitted that there is strong evidence of cruelty against the applicants. Their names are mentioned in the F.I.R. The applicants treated the informant with cruelty by demanding Rs.2 Lakhs for the construction of house and caused her physical and mental cruelty. They compelled her to reside at her parents house. It is lastly prayed to reject the application.

7. In the context of this case, it would be relevant to refer the following authorities :

i) ***Mohammad Wajid and Another Vs. State of U.P. and Another, reported in 2023 SCC Online SC 951; 2023 INSC 683,*** wherein the Hon'ble Supreme Court has laid down the law as follows :-

“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....”

ii) ***CBI Vs. Aryan Singh, reported in 2023 SCC Online SC***

379, in which the Hon’ble Supreme Court has held as follows :-

“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 of Cr.P.C., the Court is not required to conduct the mini trial.”

iii) ***Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported***

in 2025 SCC Online SC 17, wherein the Hon’ble Supreme Court, in para.9 of the judgment, has held as under :

*“9. In **State of A.P. v. Golconda Linga Swamy**, this Court again held that where an FIR did not disclose the commission of an offence without anything being added or subtracted from the recitals thereof, the said FIR could be quashed.*

8. We have perused the charge-sheet, particularly the report and statements of witnesses. The witnesses have stated similar facts as stated by the informant in the report. There are allegations of demanding of Rs.2 lakhs and doubting the character of the informant. However, no specific incident is stated by the informant and witnesses as to when the applicants demanded that amount and doubting the character of the informant. General and vague allegations are made against the applicants, which are not sustainable. The essential ingredients of Sections 498-A, 323 and 504 of the I.P.C. to constitute the cruelty, etc. are not established from the charge-sheet against the applicants.

9. Considering all the aspects, above reasons and law laid down in the authorities cited supra, if the applicants are compelled to face the trial, it would certainly be an abuse of the process of the 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 the process of the Court against the applicants. The application deserves to be partly allowed. Hence, the following order.

ORDER

- I) The application is allowed.
- II) The First Information Report and charge-sheet, pending before the learned Judicial Magistrate First Class, Ghansawangi, Tq. & Dist. Jalna, arising out of Crime bearing No.0161 of 2022, registered with Ghansawangi Police Station, Dist. Jalna, dated 27.05.2022, for the offences punishable under Sections 498-A, 323 and 504 read with Section 34 of the Indian Penal Code, 1860 stands quashed against the applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd