



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2112 OF 2023

1. Atish S/o. Digambar Satav
Age : 34 Years, Occu. : Nil,
R/o. Murali, Post Lakhmapur,
Tq. Mahur, Dist. Nanded.
2. Latabai W/o. Digambar Satav
Age : 63 Years, Occu. : Household,
R/o. Plot No.03, Tq. Mahur,
Dist. Nanded.
3. Avinash S/o. Digambar Satav
Age : 39 Years, Occu. : Service,
R/o. Plot No.03, Tq. Mahur,
Dist. Nanded.
4. Nilima W/o. Satish Sontakke
Age : 35 Years, Occu. : Household,
R/o. Gokulgondegaon, Tq. Mahur,
Dist. Nanded.
5. Seema W/o. Sunil Magar
Age : 43 Years, Occu. : Household,
R/o. Gokulgondegaon, Tq. Mahur,
Dist. Nanded.

.... Applicants

VERSUS

1. The State of Maharashtra
Through its Investigation Officer,
Police Station Mahur, Dist. Nanded.
2. Ashvini W/o. Atish Satav
Age : 22 Years, Occu. : Houshold,
C/o. Kailas Nagorao Behare
R/o. In front of Sawitribai School,
At Post Anjankhed, Tq. Mahur,
Dist. Nanded.

.... Respondents

....
Advocate for Applicants : Mr. Shivashish V. Bhopi
APP for Respondent No.1-State : Mr. G.A. Kulkarni
Advocate for Respondent No.2 : Mr. Shaikh Abid R.
....

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

Dated : 18th March 2025

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

1. Heard the learned Advocate for both sides and learned APP for the State.

2. After hearing both the sides, when this Court expressed disinclination to grant any relief to applicant No.1/husband, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant No.1. Therefore, the present application is dismissed as withdrawn against applicant No.1.

3. This is an application for quashing the First Information Report (for short "the F.I.R.") and charge-sheet in R.C.C. No.76 of 2023, pending before the learned Judicial Magistrate First Class, Mahur, Dist. Nanded, arising out of Crime bearing No.0123 of 2022, registered with Mahur Police Station, Mahur, Dist. Nanded on 30.11.2022, for the offences punishable under Sections 498-A, 323,

504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

4. Learned Advocate for the applicants pointed out the report dated 30.11.2022, in which respondent No.2/informant averred that she married with applicant No.1 on 22.05.2019. Initially, for about one month, she was treated well. But, thereafter, applicant No.1/husband started to doubt her character by saying that ‘you are talking with some persons with whom you have relationship’. On that count, he used to abuse and beat her. Therefore, she came to her parents house at Anjankhed and stayed there. After some days, the applicants went to her and assured that they will treat her properly. Therefore, she came to stay with the applicants.

5. The informant further averred that, after 15 days, the applicants again started to ill-treat her by doubting her character. The applicants demanded Rs.3.5 Lakhs for securing a job to her husband. The other applicants instigated her husband and applicant No.2/mother-in-law for fetching that amount from her. She informed that to her brother. Her brother came there. He tried to convince the applicants, but they did not stop their demand of money. Therefore, again, she came to her parents house at Anjankhed. Again, applicant

No.1 came to her parents house and assured that he will maintain her properly. After four to five days thereafter, again he started to harass her. Therefore, she lodged a complaint at Mahila Sahaya Kaksha, Nanded. When the applicants were called there, they questioned her as to why she had lodged the complaint. That time, all the applicants beaten her mercilessly. They doubted her character and therefore, the informant lodged the report.

6. Learned Advocate for the applicants submitted that false allegations are made against the applicants and they are falsely implicated in the crime. As far as the allegations of demanding of money and thereby beating and abusing her are concerned, it is not specifically stated as to when the applicants had demanded the money. Applicant Nos.4 and 5 are residing with their husband at Gokulgondegaon. So, there is no question to implicate these applicants in the said crime falsely. The essential ingredients of Sections 498-A, 323, 504, 506 of I.P.C. are not establishing from the report and charge-sheet. Therefore, the report and charge-sheet deserves to be quashed in the interest of justice to prevent the abuse of process of Court. It is lastly prayed to allow the application.

7. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty

against the applicants. Their names are mentioned in the F.I.R. The applicants treated her with cruelty by doubting her character, making illegal demand of money, abusing her and caused physical and mental cruelty and compelled her to reside at her parental house. There is strong evidence of cruelty against the applicants supported by the evidence of witnesses. It is lastly prayed to reject the application.

8. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that the applicants are involved in the serious crime. They have treated the informant with cruelty by making illegal demand of money, doubting on her character, and hurling abuses to her, etc. The specific incidents are stated by the informant in the report. There are statements of witnesses which are supporting to the report. Names of the applicants are mentioned in the report with their roles. There is a strong evidence against the applicants to proceed further with the trial. In such a fact situation, the application deserves to be rejected as there is a reliable evidence against the applicants. He prayed to reject the application.

9. In the context of this case, it would be relevant to refer 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, wherein the Hon'ble Supreme Court has laid down the law as under :-

“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 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 :-

“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.”

11. We have perused the report and charge-sheet. From the report and charge-sheet, it reveals that there are allegations of demand of Rs.3.5 Lakhs for securing a job to applicant No.1 i.e. husband of the informant. As far as other applicants are concerned, there are vague allegations made against applicant Nos.2 to 5. Applicant Nos.4 and 5 are married and they are residing with their husbands at different villages. Considering omnibus and vague allegations made against applicant Nos.2 to 5, no specific incident is stated against these applicants as to when they demanded that amount. Thus, the essential ingredients of Sections 498-A, 323, 504, 506 of I.P.C. constituting cruelty as regards the demand of Rs.3.5 Lakhs against these applicants are not establishing either from the report or statements of witnesses.

12. Thus, after considering the entire matter before this Court, law laid down in above cited cases, facts and circumstances and reasons stated above, if the applicants are compelled to face the trial, it would certainly be an abuse of process of court. We are, therefore, inclined to allow the application by invoking our inherent powers under Section 482 of the Code of Criminal Procedure, 1973, to prevent the abuse of the process of Court in the interest of justice. The application deserves to be allowed. Hence, the following order.

ORDER

- I) The Application is dismissed as withdrawn as against applicant No.1.
- II) The application stands allowed to the extent of applicant Nos.2 to 5.
- III) The First Information Report and charge-sheet in R.C.C. No.76 of 2023, pending before the learned Judicial Magistrate First Class, Mahur, Dist. Nanded, arising out of Crime bearing No.0123 of 2022, registered with Mahur Police Station, Mahur, Dist. Nanded on 30.11.2022, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.2 to 5.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd