



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2556 OF 2024

1. Somnath s/o Ashok Bhosale
Age 37 years, Occ. Service
(husband) (withdrawn)
2. Meera w/o Ashok Bhosale
Age 60 years, Occ. Household
(mother in law)
3. Ashok s/o Natthu Bhosale
Age 68 years, Occ. Pensioner
(father in law)

All R/o. Pipeline Road,
Vasant Tekadi, Savedi,
Aurangabad

...Applicants

Versus

1. The State of Maharashtra
Through Police Inspector
Bhagyanagar, Police Station,
Nanded, Tq. & Dist. Nanded
2. Prajakta w/o Somnath Bhosale
Age 28 years, Occ. Household
R/o. A/p. Saainagar, Behind
Shubhmangal Karyalaya,
Purna Road, Nanded,
District Nanded

...Respondents

.....
Mr. D.R. Kale, Advocate for the applicants
Ms. Rashmi P. Gour, A.P.P. for the respondent No.1
Mr. S.C. Bhosale, Advocate for respondent No.2.
.....

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 16th JULY, 2025**

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing the F.I.R. No. 142 of 2024 registered with Bhagyanagar police Station Nanded, district Nanded for the offences punishable under Sections 498-A, 323 and 504 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.") and the consequential charge sheet and the criminal case bearing R.C.C. No. 900 of 2024 pending before Judicial Magistrate First Class at Nanded.
3. After hearing for some time, when this court showed disinclination to grant relief to applicant No.1, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1. Leave granted. The application to the extent of applicant No.1 stands dismissed as withdrawn. Hence, this application is being considered to the extent of applicant Nos. 2 and 3.
4. The informant averred in the report that applicant Nos. 2 and 3 are her parents-in-law.

5. The informant further averred in the report that she married with the son of applicant nos. 2 and 3 as per Hindu Thakar rituals on 12.05.2023. After marriage, she went to reside at her matrimonial house at Ahmednagar with her husband and in-laws. Initially, she was treated well for eight days by the applicants and her husband. Thereafter, they started to harass her by saying that she is lunatic. Her parents are also lunatic. She is not able to clean the house properly and she is not able to do the household chores properly. She is not worthy to maintain the house properly. They were abusing her frequently. She used to tell about the said cruelty to her parents, brother and sister.

6. The informant further averred that on 25.5.2023 when her parents came to visit her, she told about the incidents of cruelty to them. They tried to convince the applicants, however, they did not pay any heed. They were not in a position to listen to her grievance. Therefore, her parents took her with them to Nanded. She made application to Women Grievance Redressal Cell, Nanded. But thereafter also the applicants and her husband did not allow her for cohabitation. Therefore, she lodged the report.

7. Learned advocate for the applicants submitted that the applicants are in no way concerned with the allegations made by the

informant. The present applicants are old aged persons. There are vague and baseless allegations made against the applicants, without quoting their specific role about cruelty. The date and time of allegation of abuses, beating is not mentioned and also no specific role has been attributed to the present applicants. All allegations are vague and general in nature. There is a delay in lodging the report. From the charge sheet, it appears that all the witnesses whose statements are recorded are from the parental side of the informant. The said statements of the witnesses cannot prove that the harassment and cruelty has been caused to the informant. There are various medical documents and prescriptions which show that informant is suffering from mental disorder and taking regular treatment from psychiatric Hospital, therefore, the allegations made against the applicants are baseless. These applicants are close relatives of the husband of the informant and they have been falsely implicated in the crime without any basis. Therefore, he prayed to quash the proceedings.

8. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by submitting that the applicants and the husband of the informant have treated the informant with cruelty. At the instance of the present applicants, there was consistent cruelty caused to the informant at

the hands of her husband. Though the applicants are old aged persons, they used to instigate the husband of the informant to harass the informant. The specific role by mentioning their names is attributed to the applicants. The applicants cannot be exonerated from the criminal liability under Sections 498-A, 323 and 504 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

9. It would be relevant to refer to the judgment of the Hon'ble Supreme court in the case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors.**, reported in **2025 SCC Online SC 17**, in which the Hon'ble Supreme Court, in paras 9 and 11 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.*

*11. In the contextual situation, it is also relevant to refer to the decision of this Court in **Mohammad Wajid and Another v. State of U.P. and Anr.**, whereunder this Court, in so far as it is relevant, 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 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 materials collected in the course of investigation.....”

10. We have perused the charge sheet, particularly the report and the statements of witnesses. Though it is alleged that the parents in law of the informant called her lunatic, the informant has not stated any specific incident as to when they called her lunatic. The allegations set-forth in the report and the statements of witnesses about cruelty are of vague and general nature. If all these aspects are considered together, the offences punishable under Sections 498-A, 323 and 504 r/w 34 of the I.P.C. are not established against the applicants. There is no medical evidence of injuries caused to the informant due to the alleged beating so as to establish essential ingredients of Section 323 of the I.P.C. Therefore, on such vague and general allegations, compelling the applicants to face the trial, would be an abuse of the process of the court. The case is made out for exercise of our powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice to

prevent the abuse of the process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The F.I.R. No. 142 of 2024 registered with Bhagyanagar police Station Nanded, district Nanded for the offences punishable under Sections 498-A, 323 and 504 r.w. 34 of the I.P.C. and the consequential charge sheet and the criminal case bearing R.C.C. No. 900 of 2024 pending before the Judicial Magistrate First Class at Nanded are quashed and set aside to the extent of applicant Nos. 2 and 3.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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