



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1543 OF 2024

1. Pawan Ramlal Yadav
(husband of Respondent No.2)
Age 37 years, Occ. Service,
R/o. Vishnu Nagar, Nanded
(withdrawn)
2. Ramlal Bishanlal Yadav
(Father in law of Respondent No.2)
Age 80 years, Occ. Pensioner,
(withdrawn)
3. Meena Ramlal Yadav
(Mother in law of Respondent No.2)
Age 65 years, Occ. Household,
(withdrawn)
4. Rajesh Ramlal Yadav
(Brother in law of Respondent No.2)
Age 48 years, Occ. Driver,
5. Anju Rajesh Yadav
(Sister in law of Respondent No.2)
Age 44 years, Occ. Household,
6. Prem Ramlal Yadav
(Brother in law of Respondent No.2)
Age 30 years, Occ. Private job
7. Vaibhavi Prem Yadav
(Sister in law of Respondent No.2)
Age 23 years, Occ. Education,
8. Payal Rajesh Yadav
(Niece of Respondent No.2)
Age 23 years, Occ. Household,
9. Harsh Rajesh Yadav
(Nephew of Respondent No.2)
Age 21 years, Occ. Education,
All R/o. Vishnu Nagar, Shivaji Nagar

Nanded

10. Mohan Kishanlal Aher
(cousin in law of Respondent No.2)
Age 66 years, Occ. Pensioner
R/o. Gawlipura Vajirabad Nanded ...Applicants

Versus

1. The State of Maharashtra
Through Police Inspector
Vajirabad Police Station
District Nanded
2. Neelam Pawan Yadav
Age 34 years, Occ. Business,
R/o. Dilipsingh Colony, Vajirabad
Nanded ...Respondents

.....
Mr. S.S. Deshpande, advocate for the applicants
Mr. A.M. Phule, A.P.P. for respondent No.1
Mr. Swapnil A. Deshmukh, advocate for respondent No.2

.....
AND

CRIMINAL APPLICATION NO. 2731 of 2024

1. Kiran Rohit Yadav
Age 24 years, Occ. Household
R/o. Vazirabad, Nanded
Tq. and District Nanded
2. Shashi @ Govind Kishanlal Yadav
Age 60 years, Occ. Labour
R/o. Behind Marwadi Dharamshala
Vajirabad, Nanded
Tq. and District Nanded
3. Amruta Shashi Yadav,
Age 47 years, Occ. Household
R/o. same as above
4. Bablu Shashi Yadav
Age 32 years, Occ. Labour
R/o. same as above
5. Babu Rupa Yadav (Died)

6. Vandana Baba Yadav
Age 45 years, Occ. Household
R/o. Ravin Nagar, Kawtha,
Tq. And district Nanded
 7. Hira Rupalal Yadav
Age 75 years, Occ. Household
R/o. same as above
- ...Applicants

versus

1. The State of Maharashtra
Through Police Inspector
Vajirabad Police Station
District Nanded
 2. Nilam Pawan Yadav
Age 35 years, Occ. Household,
R/o. Vishnunagar, Opp. Municipal School
Nanded
- ...Respondents

.....

Mr. A. A. Joshi, advocate for the applicants

Mr. A. D. Wange, A.P.P. for respondent No.1

Mr. Swapnil A. Deshmukh, advocate for respondent No.2

.....

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

DATED : 21st MARCH, 2025

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

1. Heard learned advocates for both sides. At the outset, it is clarified that the coordinate Bench of this Court, vide order dated 10.04.2024, has disposed of criminal application No. 1543 of 2024 as withdrawn to the extent of applicant Nos. 1 to 3. Accordingly, criminal application No.1543 of 2024 is being considered to the extent of applicant Nos. 4 to 10 only.

2. Both these criminal applications are filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of the F.I.R. No.324 of 2023 dated 5.8.2023, registered with Vajirabad police station, Taluka and District Nanded, for the offences punishable under Sections 494, 498-A, 323, 504, 506 r.w. 34 of I.P.C. alongwith charge sheet No. 416 of 2023 filed in pursuance to the aforesaid F.I.R.

3. The respondent No.2/informant averred in her report dated 5.8.2023 that she married with Pawan Ramlal Yadav, residing at Vishnunagar, Nanded. The applicant No.4 in criminal application No. 1543 of 2024 is brother-in-law of the informant, applicant No.5 is her sister-in-law, applicant No.6 is another brother-in-law, applicant No.7 is another sister-in-law, applicant No.8 and 9 are son and daughter, respectively, of applicant Nos. 4 and 5 and applicant No.10 is cousin-in-law of respondent No.2. The applicant No.1 in criminal application No. 2731 of 2024 is stated to be second wife of husband of the informant and other applicants in the said application are her close relatives.

4. The informant further averred in the report that she married with Pawan Ramlal Yadav on 14.2.2013. She begotten a girl child

namely Palak on 29.7.2014 and a son Vansh on 11.9.2015. Only because she begotten a girl child, her husband and the applicants have harassed her. On 17.11.2014, the informant went back to her matrimonial home. Thereafter, the applicants started to harass her by demanding Rs.10,00,000/-. The applicants and her husband were not happy with the first daughter. They felt that when the informant was pregnant for second time, she will deliver a daughter again. Therefore, they compelled her to consume pills for termination of pregnancy. Due to consumption of the said pills, she was not feeling well and was admitted in the hospital. Thereafter, the applicants, her husband and in-laws expelled her from house. The respectable persons from the society and senior citizens sent the informant to the house of the applicants and her husband but they all refused to allow her to cohabit.

5. The informant further averred that the litigation for restitution of conjugal rights is pending in the Family Court at Nanded. The counselor tried to convince the informant and her husband. Thereafter, her husband took her and her children for tour. After two months, her husband avoided her. He told her that he cannot maintain the relationship with her and he will not take her to the house.

6. The informant also averred that on 25.6.2023, the informant got information that her husband Pawan is performing marriage with Kiran Rohit Yadav (Mandle), resident of Vajirabad, Nanded (applicant no.1 in criminal application No.2731 of 202). She came to know that in presence of the applicants, her husband performed second marriage with Kiran. This was a shocking news for the informant. She felt very bad, because even though she had begotten the children, her husband had performed the second marriage. Her health was deteriorated and she became ill. Her father treated her. She was recovered from the illness. On 27.06.2023, she alongwith her two children and friend went to the house of her husband at Apratik Park, Aurangabad. There, she saw that Kiran, the second wife of her husband was with him. The applicants, mother-in-law of the informant Meena and Ms. Payal were also present there. They all abused her and expelled her from there. Thereafter, she lodged the report dated 04.08.2023.

7. Learned advocate for the applicants submits that there are no specific allegations against the present applicants. All allegations are omnibus and general in nature. The delay is caused in lodging the report. All the witnesses, whose statements are recorded, are relatives of the informant. The said statements of the witnesses cannot prove that the harassment and cruelty has been caused to the

informant. All the applicants are relatives of husband of the informant and they are falsely implicated in this crime. Though a report has been lodged, there is no reliable evidence against them. The applicants are falsely implicated in the crime. He prayed to quash the report as well as the charge sheet against the applicants, to prevent the abuse of process of the Court.

8. Learned A.P.P. for respondent No.1 State strongly opposed the application and submitted that the applicants in furtherance of their common intention treated the informant with cruelty, physically as well as mentally. The names of the applicants are mentioned in the report. The applicants demanded Rs.10,00,000/- to the informant. The applicants and her husband were not happy with the first daughter begotten to the informant. When the informant was pregnant for second time, they felt that she will deliver a daughter again. Therefore, they administered pills to her for termination of pregnancy. After consuming the said pills, the informant was admitted in the hospital. Even thereafter, the applicants and her husband expelled her from house. There is evidence of second marriage of the husband of informant. Thus, the applicants cannot be exonerated from the criminal liability for the offences punishable under Sections 494, 498-A, 323, 504, 506 r.w. 34 of I.P.C. It is lastly prayed to reject the application.

9. Learned advocate for respondent No.2-informant submitted that the names of the applicants are mentioned in the report with specific role attributed to them in respect of demand of Rs.10,00,000/- and due to non fulfillment of that demand, the informant has been harassed frequently by the applicants. The learned advocate for respondent No.2 reiterated the submission of the learned A.P.P. in respect of giving pills to the informant for termination of pregnancy to the informant. The applicants have treated the informant with cruelty, which constitute the offences under Sections 494, 498-A, 323, 504, 506 r.w. 34 of I.P.C. He lastly prayed to reject the application.

10. 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.....”

11. We have perused the report and the charge sheet, particularly the statements of the witnesses. It is admitted fact that the litigation before the Family Court between the informant and her husband is going on and the petition bearing No. 31 of 2020 is filed by her husband for restitution of conjugal rights. Admittedly, the informant is residing with her parents. As far as the allegations of cruelty are concerned, the role of each of the applicants is not stated to establish their overt act. The allegations are made against the husband of the informant that he forced her to consume the pills for termination of pregnancy. There are allegations against the husband

that he demanded Rs.10,00,000/-. The informant though averred that her husband has married with Kiran Rohit Yadav (Mandle) on 25.6.2023, there is no such statement of the priest who performed their alleged marriage and he is also not made an accused. If all these aspects are considered together, the essential ingredients of Sections 494, 498-A, 323, 504, 506 r.w. 34 of I.P.C. are not establishing from the report and the statements of witnesses. To establish the injury caused to the informant as contemplated under Section 323 of I.P.C. there is no such medical evidence as to how, when and who caused that injury to the informant. As far as the threats and abuses to the informant is concerned, there is no certain and reliable evidence to establish the ingredients of Section 504 and 506 of I.P.C.. There is absolutely no evidence of common intention as contemplated under Section 34 of I.P.C.

12. Considering all these aspects, compelling the applicants to face the trial would certainly be an abuse of process of the Court. Therefore, we are inclined to invoke our inherent powers under section 482 of the Cr.P.C. for quashing of the report in question in the interest of justice to prevent the abuse of the process of the Court. Hence, we pass the following order:-

O R D E R

- I. Criminal application No. 1543 of 2024 stands partly allowed whereas criminal application No.2731 of 2024 is allowed.

- II. F.I.R. No.324 of 2023 dated 5.8.2023 registered with Vajirabad police station, District Nanded for the offences punishable under Sections 494, 498-A, 323, 504, 506 r.w. 34 of I.P.C. as well as the charge sheet No. 416 of 2023 arising out of the aforesaid F.I.R. to the extent of applicant Nos. 4 to 10 in criminal application No. 1543 of 2024 and to the extent of all applicants in criminal application No.2731 of 2024, stand quashed.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

rlj/