



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2350 OF 2023

1. Ashok s/o Kailasrao Deshmukh,
Age 67 years, Occ. Retired,
R/o. Near Vitthal Temple, Krushna Niwas,
Rangari Pura, Karanja Lad,
Karanja, Washim.
(father in law of informant)
2. Nalutai w/o Ashokrao Deshmukh
Age 58 years, Occ. Household
R/o. Near Vitthal Temple,
Krushna Niwas, Rangari Pura
Karanja Lad, Karanja, Washim
(mother in law of informant)
3. Nikhil s/o Ashokrao Deshmukh
Age 30 years, Occ. Private Job
R/o. Near Vitthal temple,
Krushna Niwas, Rangari Pura
Karanja Lad, Karanja, Washim
(brother in law of informant)
4. Amol s/o Ashokrao Deshmukh
Age 36 years, Occ. Private Job
R/o. Near Vitthal Temple,
Krushna Niwas, Rangara Pura
Karanja Lad, Karanja, Washim
(husband of informant)
(application is withdrawn vide
order dated 31.7.2023)

...Applicants

Versus

1. The State of Maharashtra
Through Shivaji Nagar Police Station
Tq. and district Nanded
2. Akansha w/o Amol Deshmukh
Age 32 years, Occ. Private Job
R/o. Fule Nagar, Nanded,
Tq. And District Nanded

...Respondents

.....
Mr. Angad Kanade h/f Mr. P.S.Dikle, advocate for the applicants
Mr. A.R. Kale, A.P.P. for the respondent No.1
Mr. R.P. Bhumkar, advocate for respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 23rd JUNE, 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 First Information Report (for short "F.I.R.") No. 136 of 2023, registered with Shivaji Nagar police station, Nanded, District Nanded for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.") and the consequential criminal proceeding bearing R.C.C. No.714 of 2023 pending before the Judicial Magistrate First Class, Nanded.
3. The informant averred in the report that applicant No.1 is her father-in-law, applicant No.2 is mother-in-law, applicant No.3 is brother-in-law of the informant. The application to the extent of applicant No.4-husband came to be disposed of as withdrawn vide order dated 31.07.2023.

4. The informant further averred that, she married with co-accused Amol Deshmukh on 29.07.2020. Initially, for about 4 to 5 months, she was treated well by the applicants and her husband. Thereafter, the applicants started abusing and beating her on account of her inability to cook the food properly. The applicants were used to say that her parents have not given them due respect in the marriage. Although the informant was taking tuition in Pune, she was forcibly taken to Karanja. After some months of the marriage, the applicants started to harass the informant for bringing Two Tolas gold, washing machine, sofa, fridge and T.V. from her parents. Thereafter, her father gave two tola gold, fridge and other household articles.

5. The informant further averred that she was driven out of the house asking her to bring amount of Rs.5,00,000/- and she was threatened that if she returns without money, she would be killed. It is also averred that the applicants had sold her Stridhan jewellery weighing 25 Tola gold and 5 Tola silver. Thereafter, she made an application for compromise with the Superintendent of Police, Nanded on 26/12/2022 but in the meeting arranged for compromise, the applicants denied to take the informant to the matrimonial home. Therefore, the informant lodged the report.

6. Learned advocate for the applicants submitted that though the names of the applicants are mentioned in the F.I.R. but there are no specific allegations against them and whatever the allegations are made, they are vague and baseless, that too without quoting the specific role of each of the applicants. Further, the date and time of alleged demand of Rs.5,00,000/- is also not specifically mentioned. The report is not lodged immediately of the alleged incident of abusing and beating and thus 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. All these applicants are close relatives of the husband of the informant and only in order to implicate the entire family and the relatives, the report has been lodged falsely. He further submits that the applicants have been implicated in the crime without any basis. Therefore, he prayed to quash the report as well as the consequential proceedings.

7. 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 have treated the informant with cruelty, physically as well as mentally. There was a consistent demand of

Rs.5,00,000/- from the applicants and on account of non fulfillment of the said demand, the applicants have treated the informant with cruelty. The applicants and other accused persons have caused harassment to the informant mentally as well as physically. The names of the applicants are specifically mentioned in the report. The specific roles by mentioning their names are attributed to each of the applicants. They cannot be exonerated from the criminal liability under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

8. 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.....”

9. We have perused the charge sheet, particularly the report and the statements of witnesses. It appears that, no specific incident of cruelty is stated by the informant against these applicants. The allegations made are vague and general in nature. There is no medical evidence of injuries caused to the informant to establish essential ingredients of Section 323 of the I.P.C. against applicant No. 1 to 3. If all these aspects are considered together, the essential ingredients of the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the I.P.C. are not establishing against the applicants. Thus, on such vague and general allegations, compelling the applicants to face the trial, would be an abuse of process of the court. The case is made out for exercise of 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 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. 136 of 2023, registered with Shivaji Nagar police station, Nanded, District Nanded for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. and the consequential criminal proceeding bearing R.C.C. No.714 of 2023 pending before the Judicial Magistrate First Class, Nanded, are quashed and set aside to the extent of applicant Nos. 1 to 3 herein.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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