



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2280 OF 2023

1. Harshal S/o Baban Bhale,
Age: 26 yrs, Occu: Service,
R/o: Madhura Nagar, Harangul (Bk.)
Tq. & Dist. Latur.
(application is withdrawn against
this applicant)
 2. Shantanu S/o Baban Bhale,
Age: 22 yrs, Occu: Education,
R/o.Madhura Nagar. Harangul (Bk.).
Tq. & Dist. Latur
 3. Suman W/o Baban Bhale,
Age: 45 yrs, Occu: H.H.,
R/o. Madhura Nagar, Harangul (Bk.),
Tq. & Dist. Latur
 4. Baban S/o Irappa Bhale,
Age: 52 yrs, Occu: Service,
R/o.Madhura Nagar, Harangul (Bk.),
Tq. & Dist. Latur
- ...Applicants

Versus

1. The State of Maharashtra,
Through MIDC Police Station Latur.
Dist. Latur.
 2. Rutuja w/o Harshal Bhale
Age: 20 Years, Occu: Nil,
R/o: Harangul (Bk)
Tq & Dist Latur,
At present residing at
Bhodhe Nagar, Near Boudha
Garden Latur.
- ...Respondents

.....
Mr. Ajinkya Reddy, advocate for the applicants
Mr. A.D. Wange, A.P.P. for respondent No.1
Mr. Fayaz K.Patel, advocate for respondent No.2
.....

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

DATED : 19th MARCH, 2025

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

1. Heard.

2. The applicants are seeking quashing of the F.I.R. vide C.R. No.136 of 2023, registered with M.I.D.C. Latur police station, Latur for the offences punishable under sections 498-A, 377, 354, 323, 504 r.w. 34 of I.P.C. and the consequential criminal case bearing R.C.C. No. 1675 of 2023 pending before the learned Judicial Magistrate First Class, Latur, District Latur.

3. The informant averred in the report that she married with the son of applicant Nos. 3 and 4 on 27.5.2022. The applicant No.2 is another son of the applicant Nos. 3 and 4. Husband of the informant was serving in ICICI bank, Udaya nagar, Bhoom, District Osmanabad as a cashier. She was residing at Harangul with her husband since her marriage alongwith the applicants. After 5 days of the marriage, the informant went to her parents house alongwith her maternal uncle Shubham Kamble. After four days she returned to Harangul with her brother in law Shantanu. On next day, the husband of the informant made allegations that his gold ring is missing from

the house since the visit of her relatives, indirectly, alleging a theft against brother of the informant. Her husband asked the informant to either bring the gold ring or money. He abused her. At that time, all the applicants abused her. On the next day, the parents of the informant came there. They convinced the applicants and her husband. To prevent further harassment of the informant, the father of the informant gave an amount of Rs.27,000/- as compensation of gold ring. It was paid by her father. Then after two days, husband of the informant went on duty at Bhoom. Applicant No.2 was touching the informant's body with sexual intention. He was looking towards her with a sexual intention. He touched her breast. The in-laws were demanding money for purchasing a vehicle. She could not pay that therefore, they were taunting her and because of that she had suffered by mental cruelty. The informant further averred that her husband used to come to the house on every Saturday and Sunday. At that time, he used to say to her to wear the veil of Saree (Padar) properly and clean the house properly. On such simple reasons he used to abuse and beat her. Her husband committed unnatural intercourse with her against her will. He beaten the informant when she opposed for it. When the informant told that fact to her in laws, they said her not to stay there. The informant told that fact to her father. He tried to convince the applicants and the husband of the informant.

4. The informant further averred that in the month of September, 2022, her husband beaten her by fist and kick blows. The informant was admitted in the Hospital for treatment for three days. Then after some days, the informant went to Golai alongwith her husband, at that time, also her husband beaten her by doubting her and asking that as to why she is looking here and there?

5. It is also averred by the informant that after some days, the applicant No.2, brother in law of the informant, touched her body with bad and sexual intention. Therefore, the informant told that fact to her mother in law. She also told that fact to her husband but the husband did not pay any heed to her. The informant's in-laws stated that what is a big deal even if applicant No.2, brother in law- touches her body. At that time, all the applicants abused her. She alongwith her father, went to her parents house on 9.12.2022. On 21.02.2023 she had informed about it her relatives, particularly mother and maternal Aunt Shilpa Shinde that her husband had committed unnatural sexual intercourse. Thus, all the applicants treated her with cruelty. Thereafter, she lodged a report against the applicants that the applicants and her husband have treated her with cruelty. The applicant No.2 outraged her modesty and all the applicants demanded money for purchasing the vehicle and they were taunting

her. Therefore, report is lodged against the applicants on 25.2.2023.

6. Learned advocate for the applicants submitted that the applicants are falsely implicated in the crime by making false and omnibus allegations against them. The applicants never ill-treated the informant. They have not demanded any amount to informant and her parents. There is no evidence of medical treatment as alleged by the informant in her report about beating her. The essential ingredients of sections 498-A, 354, 323, 504, 506 r.w. 34 of I.P.C. are not establishing against any of the applicants. Learned advocate therefore, lastly submitted that if the applicants are compelled to face the trial on such material, it would certainly be an abuse of process of the court, as there is no reliable evidence against the applicants.

7. Learned A.P.P. for respondent No.1 State strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. Applicant No.2 brother-in-law of the informant had touched to her body with bad intention. Even the in-laws of the informant have not given understanding to him on the contrary they have supported him. There are specific allegations against the applicants which establishes cruelty against them. 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, 354, 323, 504, 506 r.w. 34 of I.P.C. It is lastly prayed to reject the application.

8. 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 abuses and cruelty to the informant. The applicants on trifling and simple reason used to abuse and beat the informant. Her husband committed unnatural intercourse with her. He beaten the informant when she opposed for it. When the informant told that fact to her in laws, they tried to convince the applicants and her husband but it went in vain and the harassment was continued. The applicants have treated the informant with cruelty, which constitute the offences referred in the F.I.R. Learned advocate 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 report and the charge sheet. The statements of witnesses are on record. They have stated the same fact which the informant has stated in her report. To support the allegations of causing of alleged cruelty on the part of the applicants, there is no documentary evidence of medical treatment given to the informant when she was admitted in the hospital after beating by her husband. The role of the applicants is not specifically stated by the informant in her report as to when they individually or collectively treated her with cruelty. There is no specific incident with date as to

when the applicant No.2 outraged her modesty and all the applicants beaten her on account of non fulfillment of demand of money required for purchase of the vehicle. The vague and omnibus allegations are made against the applicants. There is no sufficient evidence to proceed further with the case against the applicants. If the applicants are compelled to face the trial on such general, omnibus and vague allegations, it would certainly be an abuse of process of the court. Therefore, it is necessary to invoke inherent powers under section 482 of the Cr.P.C. for quashing of the report and the criminal case, in the interest of justice to prevent abuse of process of Court. Therefore, we are inclined to allow the application. Hence, we pass the following order:-

O R D E R

- I. Criminal application stands allowed.
- II. F.I.R. vide C.R. No.136 of 2023, registered with M.I.D.C. Latur police station, Latur for the offences punishable under sections 498-A, 377, 354, 323, 504 r.w. 34 of I.P.C. and the consequential criminal case bearing R.C.C. No. 1675 of 2023 pending before the learned Judicial Magistrate First Class, Latur, District Latur, are quashed against the present applicants i.e. applicant Nos. 2 to 4.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)