



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2490 OF 2022

1. Sandipaan s/o. Eknath Shinde,
Age: 71 Years, Occupation: Nil,
Resident of – at post – Amleshwar Nagar,
Barshi Road, In front of MIDC Police Station,
Latur, District – Latur.

At present – Behind Bandhkaam Bhavan,
Ayodhya Colony, AUSA Road, Latur,
District – Latur. (Father-in-law)

2. Bhagyashri w/o. Anil Jambhale,
Age: 45 Years, Occupation: Housewife,
(Sister-in-law)
3. Anil s/o. Namdeo Jambhale,
Age: 50 Years, Occupation: Service,
(Brother-in-law)

The applicant Nos. 2 & 3 are residents of –
At post – Behind Bandhkaam Bhavan,
Ayodhya Colony, AUSA Road, Latur,
District – Latur.

... Applicants
(Original Accused).

Versus

1. The State of Maharashtra –
Through Officer-in-charge of Police Station-
M.I.D.C., Latur, Taluka & District – Latur.
2. Pallavi w/o. Ravindra Shinde,
Age: 38 Years, Occupation: Service,
Resident of – at post – Amleshwar Nagar,
Barshi Road, In front of MIDC Police
Station, Latur, District – Latur.
(Daughter-in-law of the applicant No.1)

... Respondents

AND

CRIMINAL APPLICATION NO. 3287 OF 2022

Ankit s/o. Anil Jambhale,
Age: 22 Years, Occupation: Education,
Resident of – At post – House No.30,
Ayodhya Colony, Behind Bandhkaam
Bhavan, AUSA Road, Latur, District – Latur.
(son of sister in law)

... Applicants
(Original Accused)

Versus

1. The State of Maharashtra –
Through Officer-in-charge of Police Station-
M.I.D.C., Latur, Taluka & District – Latur.
2. Pallavi w/o. Ravindra Shinde,
Age: 38 Years, Occupation: Service,
Resident of – at post – Amleshwar Nagar,
Barshi Road, In front of MIDC Police
Station, Latur, District – Latur.

... Respondents

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Mr. Vilas P. Savant, Advocate for Applicants, in both the matters.
Mr. G. A. Kulkarni, APP for Respondent No.1 / State, in both the matters.
Mr. Tukaram M. Venjane, Advocate for Respondent No.2, in both the matters

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

DATE : 17th March, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

. Heard the learned advocates for the respective parties.

2 These are applications under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing the Charge-Sheet bearing No.262 of 2022, filed in the Court of learned Second Judicial Magistrate First Class, Latur, District Latur on 12th August, 2022, pursuant to an FIR bearing Crime No.370 of 2022, dated 5th July, 2022, registered with the M.I.D.C. Police Station, Latur, District Latur, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

3 In Criminal Application No.2490 of 2022, applicant No.1 is the father-in-law of the informant / respondent No.2. Applicant No.2 is the sister-in-law of the informant and applicant No.3 is the husband of applicant No.2. In Criminal Application No.3287 of 2022, the applicant is the son of sister-in-law of the informant.

4 The informant averred in the report that her marriage was performed with accused No.1 on 30th April, 2008. In the marriage, her parents spent Rs.10,00,000/-, which included ten tolas gold ornaments and other household essentials. Initially for about two years, the informant was treated well by the applicants and her husband. Thereafter, all the applicants were instigating the husband of the informant. Therefore, he was saying that *“I do not like you, I do not need you. I have a relationship with another woman and will marry*

her.” Her husband was teasing her frequently for simple issues. Her husband used to beat her by kicks and fists blows and keep her starved. The applicants were also frequently teasing her by using abusive words and instigating her husband. Therefore, she tried to convince them, however, they did not pay heed to her. Thus, she was frequently treated with cruelty.

5 The informant further averred that from 30th April, 2008, she was treated well for about two years, however, from 2010, she was treated with cruelty by demanding Rs.20,00,000/- for construction of house. Her parents gave Rs.10,00,000/- to them. However, the applicants continued their demand of Rs.10,00,000/- from 2010 to 30th June, 2022. They abused and beaten her. They also threatened to kill her. The informant was kept on starvation. Therefore, she lodged the report against the applicants and her husband.

6 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. The vague and omnibus allegations are made against the applicants, which are not establishing the essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC. No specific incident is stated as to when the applicants treated the informant with cruelty by demanding money. There is no evidence against the applicants to proceed with the trial. He submitted that if the

applicants are directed to face the trial, in such situation, they will certainly suffer. He lastly prayed to allow the application.

7 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. They have committed anti-social crime. They demanded money to the informant. He lastly prayed to reject the application.

8 The learned counsel for the informant / respondent No.2 also strongly opposed the application and submitted that the names of the applicants are mentioned in the report. The applicants instigated the husband of informant. They used offensive and disrespectful language towards the informant. He lastly prayed to reject the application.

9 Here, it is relevant to refer to the decision of the Honourable Supreme Court in ***Mohammad Wajid and Another Vs. State of U.P. and Another***, reported in, ***2023 SCC Online SC 951; 2023 INSC 683***, whereunder the Honourable Supreme Court 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 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 also can be made to the judgment in the case of **CBI Vs. Aryan Singh**, reported in, **2023 SCC Online SC 379**, in which the Honourable Supreme Court held that as under:-

“Para 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 Cr. P.C., the Court is not required to conduct the mini trial.”

11 We have perused the report and the charge-sheet, particularly, the statements of witnesses.

12 The statements of witnesses are similar to the report. One and same type of allegations are made by the informant and the

witnesses against the husband of informant and the applicants. It is stated that for one and half years after 30th April, 2008, and particularly from 2010, the applicants treated the informant with cruelty by demanding Rs.20,00,000/- for construction of house. An amount of Rs.10,00,000/- paid by her parents, however, they continued their demand of remaining amount of Rs.10,00,000/- for construction of house. Except this incident, there is no specific incident that is stated by the informant and the witnesses. To support the payment of demand of Rs.10,00,000/-, there is no documentary evidence in the charge-sheet. The vague and general allegations of demand of money are made against the applicants and it is the prosecution's case that the demand was continued for twelve years. From the report, it appears that the informant is having job. She is serving as a teacher at Jay Bhavani High School, Gaurgaon. Her husband was serving as a Lecturer at Dayanand Science College, Latur. It shows that the informant is educated, however, she had not made any complaint of demand of Rs.20,00,000/- against the applicants and her husband immediately in the year 2010. Such omnibus and vague allegations made against the applicants are not sustainable in the eyes of law. If all these aspects are considered together, we are of the view that compelling the applicants to face the trial would certainly be an abuse of the process of Court. The essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC are not establishing against the

applicants. We are therefore, inclined to allow the application by exercising our inherent powers under Section 482 of the Cr.P.C. Hence, the following order:-

ORDER

- I. Both the applications are allowed.
- II. The Chare-Sheet bearing No.262 of 2022, filed in the Court of learned Second Judicial Magistrate First Class, Latur, District Latur on 12th August, 2022, pursuant to an FIR bearing Crime No.370 of 2022, dated 5th July, 2022, registered with the M.I.D.C. Police Station, Latur, District Latur, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed and set aside as against all the applicants.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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