



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2629 OF 2022

1. Sudhir Dharmraj Mali
Age 45 years, Occ. Service
R/o. Pohare, Tq. Chalisgaon
District Jalgaon (husband)
(withdrawn)
2. Dharmraj Walmik Mali,
Age 73 years, Occ. Agriculture
R/o. Pohare, Tq. Chalisgaon
District Jalgaon
(father in law)
3. Mirabai Dharmraj Mali
Age 68 years, Occ. Household
R/o. Pohare, Tq. Chalisgaon
District Jalgaon
(Mother in law)
4. Avinash Dharmraj Mali,
Age 43 yer, Occ. Agriculture
R/o. Pohare, Tq. Chalisgaon
District Jalgaon
(brother in law)
5. Suverna Avinash Mali
Age 33 yer, Occ. Agriculture
R/o. Pohare, Tq. Chalisgaon
District Jalgaon
(wife of applicant No.4)
6. Prabhavati @ Bharti Ganesh Mali
Age 47 years, Occ. Household
R/o. Room No.11, Mhada Colony
LIG Navare Nagar, Royal Park,
Ambarnath Mumbai
(sister in law)

...Applicants

Versus

1. The State of Maharashtra

Through its Bhadgaon Police
Station, Tq. Bhadgaon,
District Jalgaon.

2. Jayashri Sudhir Mali,
Age 30 years, Occ. Household
R/o. C/o. Ratilal Mahan Mali,
Pimparkhed, Tq. Bhadgaon
District Jalgaon ...Respondents

.....
Mr. H.P. Randhir, Advocate for the applicants
Mr. A.D. Wange, A.P.P. for the respondent No.1
Mr. Vinod P. Patil, advocate for respondent No.2.
.....

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 25th 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 "the F.I.R.") No. 105 of 2022 dated 22.5.2022 registered with Bhadgaon Police station, Tq. Bhadgaon, District Jalgaon 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."), the charge sheet No. 78 of 2022 and the consequential criminal case bearing R.C.C. No. 74 of 2022, pending before the Judicial Magistrate First Class, Bhadgaon, District Jalgaon.

3. After hearing for some time, when this court expressed 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 The application of applicant No.1-husband, stands dismissed as withdrawn.

4. The informant averred in the report that applicant Nos. 2 and 3 are her parents in law, applicant No.4 is brother in law, applicant No.5 is wife of applicant No.4 and applicant No.6 is her sister in law.

5. The informant further averred in the report that she married with the son of applicant Nos. 2 and 3 on 26.5.2010. Her parents incurred huge amount for the said marriage. After marriage, she went for cohabitation with her husband at Andheri, Mumbai. She was treated well for one year. She begot a daughter named Sanskruti. All the applicants and her husband started to harass her by saying that they were expecting a baby boy, however, she begot a baby girl. Thereafter, they started to demand Rs.5,00,000/- for purchase of a block in the complex at Karjat. She was trying to convince the applicants and her husband that her parents are not economically sound to pay that much amount. She was frequently beaten and harassed by the applicants and her husband.

6. The informant further averred that in the month of June, 2012, she was driven out from the house for non fulfillment of the said demand. She stayed with her parents till October, 2013. The informant further averred that she made an application to the Women's Grievance Cell, Jalgaon. Thereafter, she went for cohabitation with her husband. She begot a baby girl Harshavardhini on 5.5.2014. Thereafter, the applicants and her husband again started to harass her. Her parents were convincing her. She was expecting that the situation will improve. However, the applicants and her husband in the month of March, 2019 beat and drove her out of the house. Again her parents and brother tried to convince them but they were insisting for the amount of Rs.5,00,000/- to purchase a block. The informant again made an application to the Women's Grievance Cell, Jalgaon. The applicants and her husband did not remain present for the compromise and therefore, the informant lodged the report on 22.05.2022.

7. Learned advocate for the applicants submitted that general and baseless allegations are made against these applicants. Although the names of the applicants are mentioned in the F.I.R., the allegations against them are made without quoting their specific role. Further, the date and time of alleged demand of Rs.5,00,000/- for

purchase of a block 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.

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 have treated the informant with cruelty, physically as well as mentally. There was a consistent demand of amount of Rs.5,00,000/- for purchase of a block 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 are attributed to each of the

applicants by mentioning their names. They cannot be exonerated from the criminal liability.

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. The witnesses have stated similar facts as stated by the informant in her report. The admitted fact is that R.C.C. No. 114 of 2016 filed under Section 498-A of the I.P.C. was decided in favour of the applicants and her husband and they are acquitted therein. In that case, the allegations for not paying the remaining amount of dowry for Rs.1,00,000/- and for which the informant was treated with cruelty were made. In the present case, there are vague and general allegations against these applicants and no specific incident is stated either in the report or the statement of witnesses at a particular point of time, the applicants harassed the informant. She was residing with her husband. Considering all these aspects, it does not establish essential ingredients of cruelty as defined under Section 498-A, 323, 504 r.w. 34 of the I.P.C. Therefore, 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. 105 of 2022 dated 22.5.2022 registered with Bhadgaon Police station, Tq. Bhadgaon, District Jalgaon for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C., the charge sheet No. 78 of 2022 and the consequential criminal case bearing R.C.C. No. 74 of 2022 pending before the Judicial Magistrate First Class, Bhadgaon, District Jalgaon, are quashed and set aside to the extent of applicant Nos. 2 to 6 herein.

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

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