



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2524 OF 2023

1. Martin Dominic Philip
Age 39 years, Occ. Service
R/o. 402, A-Wign,
Empress Royal Residency,
Subhash Road, Mahatma Phule Bazar
Besides Raman's Science Centre,
Ganesh Peth, Nagpur
(husband)
2. Dominic Gabriel Philip
Age 68 years, Occ. Retired I.A.S. Officer
R/o. Flat No.103, Indira Apartment,
South Ambazari Road, Near ITI
Rahate Colony, Wardha Road,
Nagpur
(father in law)
3. Mary w/o Dominic Philip
Age 62 years, Occ. Retired Teacher
R./o. As above.
(mother in law)
4. Christina w/o Jaikumar Janiyani
Age 36 years, Occ. Household
R/o. Flat No 503, B-5,
Forest Department Co-operative
Housing Society, Near Centre Point
School, Saminary Hills, Katol Road
Nagpur
(sister in law)

...Applicants

Versus

1. The State of Maharashtra
Through Police Station
Ahmednagar
2. Mrs. Sandra Martin Philip
Age 32 years, Occ. Household
R/o. C/o. Colonel N.P. Fransis,

Plot No.9, Survey No.99,
Kombdiwala Mala, Solapur Road
Ahmednagar

...Respondents

.....
Mr. Hemantkumar F. Pawar, advocate for the applicants
Mr. A.D. Wange, A.P.P. for the respondent No.1
Mr. N.C. Garud, advocate for respondent No.2.
.....

**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. 187 of 2023, registered at Ahmednagar Camp police station, district Ahmednagar 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.900 of 2023 pending before the Additional Chief Judicial Magistrate, Ahmednagar.
3. The informant averred in the report that applicant No.1 is her husband, applicant No.2 father in law, applicant No.3 is mother in law and applicant No.4 is her sister in law.

4. The informant further averred that, she married with applicant No. 1 on 01/07/2012 as per Christian rites and rituals at Nagpur and went to reside at her matrimonial house. Upon a demand made by applicants for Rs. 2,00,000/- towards dowry after one month of the marriage, her father sent the said amount in her bank account (Bank of India, Nagpur) by cheque. The applicants treated the informant well for 6 months. Thereafter, applicant No. 1 left his job and demanded Rs.5,00,000/- from the informant for starting an independent business. When the informant replied that as her father has incurred huge expenses for the marriage and additionally he has given Rs. 2,00,000/- to them, he cannot give Rs.5,00,000/- to them. Thereupon, all the applicants started physically and mentally to harass her by abusing, starving and pressurizing her. Even applicant No. 1 beat her with fist and kick blows. When the informant told her parents about the the incident in April 2013, she was convinced and sent back to the matrimonial home in June 2013. In July 2013, her father gave Rs. 5,70,000/- to the applicants. Even after this, the applicants kept harassing the informant on one or the other count, hence, the informant complained at The Women Grievance Redressal Cell at Nagpur. Thereafter, a compromise took place and the informant went to reside with the applicants in July 2014.

5. The informant further averred that meanwhile, the informant begot a daughter named Marsiya on 21/09/2015. But since demand was not fulfilled, harassment at the hands of applicants continued, the informant called her father to Nagpur on 08/07/2022 and returned to her parental home along with her daughter. Thereafter, she has filed a complaint at the Bharosa Cell, Ahmednagar in the month of January, 2023 but applicants were absent on the dates fixed for counselling. It is with these contentions, the informant has lodged the report.

6. Learned advocate for the applicants submitted that vague and baseless allegations are made against these applicants, without quoting the specific role of each of the applicants. The date and time of allegation of demand of amount of Rs.5,00,000/- for starting a new business, is also not specifically mentioned. All allegations are vague and general in nature. 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 consistent demand of Rs.5,00,000/- for starting a new business 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 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 report and the statements of the witnesses. No specific incident of cruelty is stated by the informant. Whatever the allegations made are vague and general in nature. After 11 years of marriage, the report is lodged. The F.I.R. is lodged after thought from the parental house of the informant. If all these

aspects are considered together, the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the I.P.C. are not establishing against the applicants. There is no medical evidence of injuries caused to the informant due to the alleged beating so as to establish essential ingredients of Section 323 of the I.P.C. 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 allowed.
- II. The F.I.R. No. 187 of 2023, registered at Ahmednagar Camp police station, district Ahmednagar 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.900 of 2023 pending before the Additional Chief Judicial Magistrate, Ahmednagar, are quashed and set aside.

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