



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3012 OF 2024

1. Nandkishor Bramhanand Chavan
Age 34 years, Occ. Service,
working residence – 627/1,
Ganesh Nagar, Sadguru Baithak
Kangaon, Tq. Bhiwandi,
District Thane
Permanent address At post
Khurrampur, Tq. Lonar
district Buldhana
2. Bramhanand Haridas Chavan
Age 55 years, Occ. Agriculture
R/o. At post. Khurrampur,
Tq. Lonar, District Buldhana
3. Subabai w/o Bramhanand Chavan
Age 50 years, Occ. Household,
R/o. At post. Khurrampur,
Tq. Lonar, District Buldhana
4. Shyam Bramhanand Chavan
Age 36 years, Occ. Private job,
R/o. c/o. Santosh B. Jadhav, H No.1515,
Ambedkar Nagar, Chakan, Tq. Khed
Dist. Pune 410 501
5. Sau. Shalu w/o Shyam Chavan
Age 32 years. Occ. Private job
R/o. c/o. Santosh B. Jadhav, H No.1515,
Ambedkar Nagar, Chakan, Tq. Khed
Dist. Pune 410 501

...Applicants

versus

1. The State of Maharashtra
Through Police Inspector
Bamni Police Station
Tq. Jintur, District Parbhani
2. Manisha w/o. Nandkishor Chavan

Age 25 years, Occ. Household
R/o. C/o. Suresh Tolaram Rathod
At. Asola, Post. Kawada,
Tq. Jintur, District Parbhani

...Respondents

.....
Mr. Vivek U. Rathod and Mr. S.S. Kulkarni, Advocates for the
applicants

Mr. A.D. Wange, A.P.P. for the respondent No.1

Mr. S.M. Nannaware, Advocate for respondent No.2.

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

DATED : 24th APRIL, 2025

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

1. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") for quashing of charge sheet bearing R.C.C. No. 60 of 2024 arising out First Information Report (for short "F.I.R.") No. 175 of 2023, dated 19.12.2023 registered with Bamni Police Station, Jintur, District Parbhani, for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 (for short "I.P.C.").

2. The applicant No.1 is the husband of the informant, applicant Nos. 2 and 3 are the parents in law, applicant No.4 is brother in law and applicant No.5 is the wife of applicant No.4.

3. The informant averred in the report that she married with applicant No.1 on 12.5.2018. In the marriage, gold ornaments of 03

Tolas was given to her as Stridhan and an amount of Rs.5,00,000/- was given as dowry. The total amount of Rs.13,00,000/- was incurred for the said marriage. All the applicants treated the informant well for some months but thereafter, the applicants started to harass her. They used to say to her that she is a jinx woman. Her husband-applicant No.1 was saying that he did not like her. He used to come at home under the influence of liquor. He used to confine her in a room and she was kept on starvation there. Applicant No.1 was also doubting her character. He was not allowing her to even talk with her parents on mobile hand set. The husband of the informant was demanding an amount of Rs.5,00,000/- for construction of house. After persistent demand of that amount, her father paid an amount of Rs.2,00,000/- in the presence of witnesses. She begotten two daughters Yashashri and Sunanda.

4. The informant further averred that her husband was serving in Maharashtra Security Force, Mumbai. When her husband was transferred at Aurangabad after some days of the marriage, he took her for cohabitation there. He beaten her there. The informant continued to cohabit with her husband with a hope that there will be change in behaviour of the applicants, but there was no change in the behaviour of the applicants. When she begotten the second daughter, the applicants said that they were expecting a baby boy.

Due to the harassment, when the informant was suffering from illness, her husband had not taken her to the hospital for treatment. The informant further averred that on 25.8.2023, when she was at the house, her parents in law demanded Rs.5,00,000/- for construction of house and said that if she did not bring that amount, they will not allow her to continue for cohabitation with her husband. On that day, they took out her ornaments and she was expelled from the house. On 28.09.2023, the applicants came to the house of the informant and said that they want to perform second marriage of the applicant No.1. She has begotten two daughters and if she is not ready to kill her second daughter, she must give divorce to applicant No.1 husband. They abused and threatened her. Therefore, the report is lodged against the applicants.

5. Learned advocate for the applicants submitted that all allegations are vague, omnibus and general in nature and no specific allegations are made against the applicants in the report. There is delay in lodging the report. 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 falsely lodged, without cogent evidence against them. 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. She further submits that the applicants have been falsely implicated in the crime. Therefore, she prayed to quash the report as well as the charge sheet.

6. 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. There was consistent demand of Rs.5,00,000/- for construction of house. She was ill-treated on account of giving birth to the two baby girls. The names of the applicants are 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 under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. It is lastly prayed to reject the application.

7. Learned advocate for respondent No.2-informant submitted that the applicants have treated the informant with cruelty. The husband did not take care of the informant when she was suffering from illness, as he had not taken her to the hospital. The names of the applicants are mentioned in the report with specific role attributed to them in respect of demand of Rs.5,00,000/- for construction of house and due to non fulfillment of that demand, the informant has

been harassed frequently by the applicants. The applicants have treated the informant with cruelty, which constitute the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. Learned advocate 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. Admittedly, the informant was residing with her husband at Aurangabad, when he was transferred from Mumbai to Aurangabad. At that time, her husband abused and beat her. He continued that demand and expelled the informant from house. There are serious allegations of cruelty against applicant No.1 husband. It appears that there are serious allegations against applicant No.1-husband and we are not inclined to allow the application of applicant No.1-husband.

10. In respect of other applicants, the informant has not stated any specific incident as to when they all gathered and how they treated her with cruelty by demanding an amount of Rs.5,00,000/- for construction of house. Though the allegations are made against all applicants about the incident dated on 28.9.2023, the report was not lodged against them immediately about performing of second marriage of applicant No.1-husband. The essential ingredients of Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. are not

establishing either from the report or charge sheet. On the basis of allegations made against applicant Nos. 2 to 5, asking them 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. in respect of applicant Nos. 2 to 5. We are therefore, inclined to allow their application, in the interest of justice and to prevent the abuse of process of the Court, to the extent of applicant Nos. 2 to 5. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The application of applicant No.1-Nandkishor Bramhanand Chavan stands rejected.
- III. The charge sheet bearing R.C.C. No. 60 of 2024 arising out F.I.R. No. 175 of 2023, dated 19.12.2023 registered with Bamni Police Station, Jintur, District Parbhani, for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C., stand quashed to the extent of applicant Nos. 2 to 5.

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

rlj/