



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2609 OF 2023

1. Dattatray Shantaram Patil,
Age : 39 Years, Occu. : Service,
R/o. Vaipur, Tq. Shindkheda,
Dist. Dhule.
2. Shantaram Hasrat Patil,
Age : 73 Years, Occu. : Agriculture,
R/o. Vaipur, Tq. Shindkheda,
Dist. Dhule.
3. Ratnamala Anil Patil,
Age : 43 Years, Occu. : Housewife,
R/o. Girad, Tq. Bhadgaon,
Dist. Jalgaon.
4. Anil Baliram Patil,
Age : 59 Years, Occu. : Retired,
R/o. Girad, Tq. Bhadgaon,
Dist. Jalgaon.
5. Vijaya Narendra Patil,
Age : 46 Years, Occu. : Housewife,
R/o. Ward No.03, Plot No.15,
Khetiya, Tq. Khetiya Pansemal,
Dist. Badwani (MP).
6. Narendra Gopichand Patil,
Age : 57 Years, Occu. : Teacher,
R/o. Ward No.03, Plot No.15,
Khetiya, Tq. Khetiya Pansemal,
Dist. Badwani (MP).
7. Pratibha Prashant Patil,
Age : 44 Years, Occu. : Housewife,
R/o. 612, Gandhikutir 60 Feet Road,
Udhna, Surat (Gujarat).

8. Prashant Prabhakar Patil,
Age : 47 Years, Occu. : Business,
R/o. 612, Gandhikutir 60 Feet Road,
Udhna, Surat (Gujarat).
9. Jyoti Deepak Patil,
Age : 42 Years, Occu. : Housewife,
R/o. Plot No.63, Shivshakti Nagar,
Dattawadi, Nagpur.
10. Deepak Sahebrao Patil,
Age : 47 Years, Occu. : Business,
R/o. Plot No.63, Shivshakti Nagar,
Dattawadi, Nagpur.
11. Suvarna Chirag Patil,
Age : 36 Years, Occu. : Housewife,
R/o. Sanskardham Society, Gandevi,
Tq. Gandevi, Dist. Navsari, Gujarat.
12. Chirag Bhaidas Patil,
Age : 37 Years, Occu. : Service,
R/o. Sanskardham Society, Gandevi,
Tq. Gandevi, Dist. Navsari, Gujarat.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Officer In Charge,
Shirpur Police Station,
Tq. Shirpur, Dist. Dhule.
2. Gayatri Dattatray Patil,
C/o. Sarang Purushottam Patil,
Age : 33 Years, Occu. : Housewife,
R/o. Ganesh Colony, Shirpur,
Tq. Shirpur, Dist. Dhule.

.... Respondents

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Advocate for Applicants : Mr. N.N. Desale h/f Mr. L.S. Mahajan
 APP for Respondent No.1-State : Mr. A.R. Kale
 Advocate for Respondent No.2 : Ms. Rashmi Kulkarni

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

Dated : 22nd April 2025

ORDER [PER SANJAY A. DESHMUKH, J.] :-

1. Heard learned Advocate for both the sides as well as learned APP for the State.

2. This is an application for quashing of the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.152 of 2023, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Shirpur, Dist. Dhule, arising out of Crime bearing No.0246 of 2023, registered at Shirpur City Police Station, Dist. Dhule, dated 12.06.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”)

3. As per order dated 22.08.2023, learned Advocate for the applicants withdrew the application to the extent of applicant No.1/husband. Accordingly, the application is disposed off as withdrawn against applicant No.1.

4. After hearing both the sides, when this Court expressed disinclination to grant any relief to applicant No.2/father-in-law, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant No.2. Therefore, this application is dismissed as withdrawn against applicant No.2.

5. Learned Advocate for the applicants pointed out the report dated 12.06.2023, in which respondent No.2/informant averred that applicant No.3 is her sister-in-law, applicant No.4 is the husband of applicant No.3, applicant No.5 is her another sister-in-law, applicant No.6 is the husband of applicant No.5, applicant No.7 is her another sister-in-law, applicant No.8 is the husband of applicant No.7, applicant No.9 is her another sister-in-law, applicant No.10 is the husband of applicant No.9, applicant No.11 is her another sister-in-law and applicant No.12 is the husband of applicant No.11.

6. The informant further averred in her report that she married with Dattatray Shantaram Patil on 11.06.2014 at Shirpur, Dist. Dhule. They have begotten a son viz. Om. In her marriage, seven Tolas gold ornaments were given to her. Four Tolas gold in the form of chain and two gold rings were given to her husband in that marriage. After marriage, she went for cohabitation with her

husband. She was treated well for about two years. Thereafter, the applicants/sisters-in-law used to come to her house. They instigated her husband. Therefore, her husband was frequently harassing her. Thereafter, she went to Pune to reside with her husband. Her husband compelled her to stay at Vaipur instead of Pune. He was not topping up her mobile phone balance. He was enraging if her parents made phone calls to her. Sometimes, he was taunting and beating her.

7. The informant further averred in her report that when her mother suffered by cancer, she was not allowed to visit her. Her husband also did not visit her mother. Her husband was willing to book a flat at Pune. For that, he demanded Rs.30 Lakhs to her. Because of poor financial position and huge expenses of treatment of her mother, she could not comply with that demand. Therefore, he used to beat her. He forcefully took away her ornaments given in her marriage. He threatened that if she told the fact of ornaments were taken, he will give divorce to her. Under that fear, she did not tell that fact to her parents.

8. The informant further averred that, on 14.04.2019, a ritual (Naral Vidhi) of her sister was scheduled. For that function, her

husband being an elder son-in-law was requested to be present. But neither he nor any of his relatives came there. They directly came for the Haldi ceremony one day before the marriage like strangers and immediately went back at Vaipur.

9. The informant further averred in her report that, on 25.12.2019, her father went to Pune for three to four days to meet her and her son OM. That time, her husband did not talk properly with her father. On 18.03.2020, her father died in a vehicular accident. After attending the rituals of funeral, she came back to Vaipur. That time her husband beat her. On 04.06.2020, he made a phone call to her paternal aunt viz. Vijayabai Patil and told her that he is going to foreign country for job, he is not willing to cohabit with the informant and he wants a divorce. Immediately, she tried to contact him, but he had blocked her mobile number to avoid contact with her. Therefore, she contacted Anil Patil, relative of her husband. Anil Patil told her that “don’t wait for phone call of Dattatray, directly go to the house”. She immediately went to her husband’s house along with her brother Sarang. That time, her husband took quarrel with her and her brother. She stayed with her husband for five days at Vaipur. During that period, he did not talk with her and left the house on 16.06.2020 and went to Pune. While she was staying in Vaipur for

two months, her father-in-law used to come under the influence of liquor and used to throw meal plate served to him, therefore, she felt insecure.

10. The informant further averred that, on 31.08.2020, during the lockdown, her brother Sarang took her from Vaipur to Pune to her husband. But, when her husband saw both of them, he pretended to proceed to Vaipur. Thereafter, he left the house without intimating her by switching off his mobile handset. She took search of her husband at Pune with other relatives, but he could not be traced out. After staying there for two months in the lockdown period, she could trace out her husband at his work place in Force Motors Company. She went there. Suddenly her husband ran away and switched off his mobile handset. She was facing financial difficulties to meet the daily needs. Therefore, her brother took her to the parental home from Pune. On 18.11.2020, a meeting of relatives was conducted in which all the applicants, her husband and father-in-law were present. They all demanded divorce from her. She refused to give divorce, hence her husband did not allow that meeting to succeed.

11. The informant further averred that, on 07.03.2021, second meeting was arranged at Vaipur. All the applicants, her

husband and father-in-law were present in that meeting. Her husband agreed to take her back for cohabitation. On 11.03.2021, she went to Pune for cohabitation. Thereafter, her husband deliberately scattered the articles throughout the house. He even opened the pipe of gas cylinder. Thereafter, he said that he will not work at Pune and will work at Vaipur and will permanently stay there. She said that “her son will not get proper education at village place, he will not get a job in future, therefore, we will stay at Pune and we will adjust our family expenses accordingly”. However, he deliberately left Pune. On 28.04.2021, she had to go to Vaipur because of the illness of her father-in-law due to Covid-19.

12. The informant further averred in her report that when she was residing with her husband at Vaipur, all the applicants, her father-in-law were saying that, we are getting a girl who has a job and earns money. That time, all the applicants and her father-in-law and husband were present. They said that she has to stay in the house like a maid. They were taunting her frequently and instigated her husband. The applicants, her husband and father-in-law defamed her by spreading a false news in the Vaipur that Rs.21 Lakhs were given to her.

13. The informant further averred in her report that, on 16.07.2021, the applicants and her husband as well as father-in-law called her relatives. All her relatives tried to convince her husband, but they did not pay heed to her. On the say of the applicants and father-in-law, they expelled her by demanding an amount of Rs.30 Lakhs for payment of installment of the house at Pune and threatened to not allow her to cohabit. She filed an application on 27.12.2022 to the Women Grievance Redressal Cell, Dhule. For five dates, compromise was tried, but the applicants, her husband and father-in-law refused to allow to cohabit her. They were demanding Rs.30 Lakhs. They took away her ornaments and expelled her from the house. Therefore, she lodged the report against the applicants, husband and father-in-law.

14. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. General and vague allegations are made against the applicants. Though the specific incidents of cruelty are stated by the informant in the report and by the witnesses in their statements, the fact of cruelty is not establishing from the entire charge-sheet against the applicants. There is no injury certificate for proving the alleged beating. The false allegation of demand of Rs.30 Lakhs is made against the applicants. The essential

ingredients of offences punishable under Sections 498-A, 323, 504, 506 of I.P.C. are not establishing against the applicants. If the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. It is lastly prayed to allow the application.

15. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty against the applicants. Their names are mentioned in the F.I.R. The applicants treated the informant with cruelty by demanding money, abusing her, insulting her, beating her, etc. and caused physical and mental cruelty and compelled her to reside at her parents house. The specific incidents of cruelty are stated by the informant in the F.I.R. It is lastly prayed to reject the application.

16. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that the applicants are involved in the crime of treating the informant with cruelty by demanding money, abusing her and insulting her. The specific incidents are stated by the informant in the report. The names of the applicants are mentioned in the F.I.R. There are statements of witnesses corroborating with the version of the informant. There is a strong evidence against the applicants to proceed further with the

trial. Therefore, the application deserves to be rejected as there is a reliable evidence against the applicants to establish the requisites of offences punishable under Sections 498-A, 323, 504, 506 of I.P.C. He prayed to reject the application.

17. In the context of this case, it would be relevant to refer the following authorities :

i) ***Mohammad Wajid and Another Vs. State of U.P. and Another, reported in 2023 SCC Online SC 951; 2023 INSC 683,*** wherein the Hon'ble Supreme Court has laid down the law as follows :-

“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....”

ii) ***CBI vs. Aryan Singh, reported in 2023 SCC Online SC***

379, in which the Hon'ble Supreme Court has held as follows :-

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

iii) ***Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported***

in 2025 SCC Online SC 17, wherein the Hon'ble Supreme Court, in para.9 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.

18. We have perused the charge-sheet, particularly the report and statements of witnesses. On perusal of report and statements of witnesses, it appears that there are serious allegation of harassment against the husband and father-in-law of the informant. However, they have withdrawn their application.

19. As far as applicant Nos.3 to 12 are concerned, no specific incident of harassment is stated by the informant that they demanded

Rs.30 Lakhs for paying the installment of the flat at Pune and harassed her for that amount. General and vague allegations are made against the applicants. Applicant Nos.3 and 4 reside at Girad, Tq. Bhadgaon, Dist. Jalgaon, applicant Nos.5 and 6 reside at Khetiya, Dist. Badwani (MP), applicant Nos.7 and 8 reside at Udhna, Surat (Gujarat), applicant Nos.9 and 10 reside at Nagpur and applicant Nos.11 and 12 reside at Gandevi, Navsari (Gujarat). No particular date is stated by the informant in the F.I.R as to when they came to harass the informant.

20. Considering all the aspects and law laid down in the authorities cited supra, if the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. We are, therefore, inclined to exercise our powers under Section 482 of the Cr.P.C. to quash the report and charge-sheet in the interest of justice to prevent the abuse of process of Court against applicant Nos.3 to 12. The application deserves to be partly allowed. Hence, the following order is passed.

ORDER

- I) The application is dismissed as withdrawn against applicant Nos.1 and 2.

- II) The application stands allowed to the extent of applicant Nos.3 to 12.
- III) The First Information Report and charge-sheet in R.C.C. No.152 of 2023, pending before the learned Judicial Magistrate First Class, Shirpur, Dist. Dhule, arising out of Crime bearing No.0246 of 2023, registered at Shirpur City Police Station, Dist. Dhule, dated 12.06.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.3 to 12.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd