



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3060 OF 2024

1. Baliram s/o Prabhakar Shinde
Age 43 years, Occ. Service
R/o. Makani, Tq. Lohara,
District Osmanabad
at present Shantinagar, Rasalwadi
Ratnagiri
(husband) (withdrawn)
2. Gayabai w/o Prabhakar Shinde
Age 71 years, Occ. Nil
R/o. Makani, Tq. Lohara,
District Osmanabad
(mother-in-law)
3. Mahadev s/o Prabhakar Shinde
Age 46 years, Occ. Service as
Professor
R/o. Ambika Nagar, Solapur Road,
Indapur, District Pune
(Brother-in-law)
4. Balika w/o Shivaji Rasal,
Age 51 years, Occ. Household
R/o. Gajrukhmini Apartment,
Flat No. 501, Pune 411 023
(Sister-in-law)
5. Manisha d/o Prabhakar Shinde
Age 38 years, Occ. Education
R/o. Adarsha Comprehensive College
of Education and Research
Pune 411 004
(Sister-in-law)

...Applicants

Versus

1. The State of Maharashtra
Through Police Station Officer
Killari Police Station
District Latur

2. Sushama w/o Baliram Shinde
Age 38 years, Occ. Service as
Traffic Hawaldar (WH-54)
R/o. Superintendent of Police Office
Jail Road, Traffic Branch
Ratnagiri, Tq. And Dist. Ratnagiri
At present C/o. Khandu s/o Raghu Netake
R/o. Tapse Chincholi, Tq.Ausa
District Latur

...Respondents

.....
Mr. Vilas P. Savant, Advocate for the applicants
Mr. A.M. Phule, A.P.P. for the respondent No.1
Mr. S.B. Choudhari, Advocate for respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 05th MAY, 2025**

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

1. This application has been filed under section 482 of the Code of Criminal Procedure 1973 (for short the "Cr.P.C.") for quashing of the criminal proceeding bearing R.C.C. No. 182 of 2024 pending before the learned Judicial Magistrate First Class, Ausa, District Latur, arising out of the charge sheet No. 41 of 2024 filed pursuant to the First Information Report (for short the "F.I.R.") No. 15 of 2024 registered with Killari Police Station, District Latur for the offences punishable under sections 377, 498-A, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 (for short the "I.P.C.).

2. After hearing learned advocate for the applicants 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 to his extent. Leave granted.

3. The informant averred in the report that she is married with the son of applicant No.2-who is her mother-in-law, applicant No.3 is brother-in-law of the informant and applicant Nos. 4 and 5 are her sisters-in-law.

4. The informant averred in the report that in her marriage, two tolas gold ornaments were given. Total amount of Rs.5,00,000/- was incurred for that marriage by her parents. Since she was serving in Mumbai, she along with her husband went to Mumbai for cohabitation, after their marriage. As her husband joined in the Collector office, Ratnagiri, as a clerk in the year 2016, the informant, who is serving in police department, also got herself transferred at Ratnagiri.

5. The informant further averred that the applicants were frequently visiting them at Ratnagiri. They used to say that they were not given ritualistic customary respect during that marriage ceremony. Sufficient gold ornaments were not given. They were asking the informant to bring a gold locket. On that count, they were

harassing her. The applicants were doubting her character by saying that she is coming late from job and why she is talking with somebody else on mobile phone. They were frequently abusing and beating her by keeping her on starvation. Her husband used to withdraw her entire salary by using her A.T.M. card. The applicants and her husband used to ask her to either take her share in the agricultural land from her father or to bring an amount of Rs.10,00,000/- from her father. She informed about the said harassment to her parents, brother Baban and sister Kusum Shinde. Thereafter, her parents and relatives personally met the applicants and her husband and convinced them not to harass the informant. The informant had also informed her co-sister-in-law, Suvarna, who is residing at Indapur, about the harassment, by making a phone call. However, the applicants and her husband did not pay heed to Suvarna when she tried to convince her. On the contrary, they threatened Suvarna also. But hoping that, there will be improvement, the informant continued to bear that harassment. She did not lodge the report as she feared her defamation. On 21.5.2023, the informant came to her parental house at Tapse Chincholi because of unbearable harassment on the part of the applicants and her husband.

6. The informant further averred that on 18.6.2023, her

husband came at Tapse Chincholi. He went to the bedroom at about 2.00 p.m. then he called her there and committed unnatural intercourse with her. She suffered a lot, however, she bore the same. Again on 30.7.2023, her husband came at her parental home at Tapse Chincholi and at the instigation of applicants, asked informant to bring an amount of Rs.10,00,000/- for construction of house at Makani and threatened her that unless she pays that amount, they will not allow her to cohabit. Her parents tried to convince him but he was not convinced. On that day also, at about 3.00 p.m. her husband committed unnatural intercourse with her. She suffered a lot. However, hoping that there will be good days in future, she bore that harassment. Finally, she lodged the report on 08.01.2024.

7. Learned advocate for the applicants submitted that the allegations which are made against these applicants are vague and general in nature. In absence of specific allegations against the applicants, a false report has been lodged. The report is lodged from the parental house of the informant. There is delay in lodging the report and no satisfactory explanation for the same is given by the informant. From the investigation papers, 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 members and the relatives, the report has been lodged. He further submitted that the applicants have been falsely implicated in the crime. Therefore, he prayed to quash the report as well as the pending criminal case.

8. 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.10,00,000/- from the applicants, for construction of the house. The specific roles by mentioning their names are attributed to each of the applicants. They cannot be exonerated from the criminal liability under Sections 377, 498-A, 323, 504, 506 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

9. Learned advocate for respondent No.2-informant submitted that the applicants have treated the informant with cruelty on account of non fulfillment of demand of Rs.10,00,000/-. The applicants used to doubt her character. The names of the applicants are mentioned in the report with specific role attributed to them in respect of demand of Rs.10,00,000/- for construction of house. The applicants have

treated the informant with cruelty, which constitute the offences punishable under Sections Sections 377, 498-A, 323, 504, 506 r.w. 34 of the I.P.C. Learned advocate lastly prayed to reject the application.

10. 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.....”

11. We have perused the charge sheet, particularly F.I.R. and the statements of witnesses. The witnesses have supported the informant. It appears that applicant No.2 is residing at Makani, Tq. Ausa, District Latur. Applicant Nos.3 to 5 are residing at Pune. It is not pointed out as to when and how all the applicants harassed the informant when she was residing at Ratnagiri with her husband. Though it is alleged that an amount of Rs.10,00,000/- was demanded for construction of house, it is not clarified specifically as to when and which applicant has demanded the said amount. There are allegations of demand of amount of Rs.10,00,000/- and causing cruelty against the husband of the informant, whose application has been withdrawn. From entire charge sheet, it appears that essential ingredients of Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. are not establishing against the applicant Nos. 2 to 5. 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 inherent powers under section 482 of the Cr.P.C. We are therefore, inclined to partly allow the application, in the interest of justice, to prevent 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 stands dismissed as withdrawn.
- III. The criminal proceeding bearing R.C.C. No. 182 of 2024 pending before the learned Judicial Magistrate First Class, Ausa, District Latur arising out of the charge sheet No. 41 of 2024 filed pursuant to the F.I.R. No. 15 of 2024 registered with Killari Police Station, District Latur for the offences punishable under sections 377, 498-A, 323, 504, 506 r.w. 34 of the I.P.C. stand quashed to the extent of applicant Nos. 2 to 5 only.

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

rlj/