



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2649 OF 2023

1. Vaijinath Sheshrao Ghuge
(Husband)
Age: 36 years, Occ: Agri;
2. Shesharao Maruti Ghuge
(Father-in-law)
Age: 76 years, Occ: Agri;
3. Sumanbai Shesherao Ghuge
(Mother-in-law)
Age: 75 years, Occ: Household

All R/o. Ghotan, Tq. Shevgaon,
Dist: Ahmednagar.

... Applicants

(Original Accused Nos. 2 & 3)

Versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station Ambhora,
Dist. Beed.
2. Manda Vaijinath Ghuge
Age: 32 years, Occ: Agri,
R/o. Ghotan, Tq. Shevgaon,
Dist: Ahmednagar,
At present: R/o. Undarkhel,
Tq. Ashti, Dist: Beed.

... Respondents

(Respondent no. 2 original complainant)

...

Mr. Ishwar Kalyan Wagh, Advocate for Applicants.
Mrs. P. R. Bharaswadkar, APP for Respondent / State.
Mr. Shashikant E. Shekade, Advocate for Respondent No.2.

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

DATE : 02nd July, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing of the proceedings in R.C.C. No.70 of 2023, pending in the Court of learned Chief Judicial Magistrate, Ashti, District Beed, arising out of FIR bearing Crime No.44 of 2023, dated 13th March, 2023, registered with Ambhora Police Station, District Beed, for the offences punishable under Sections 498-A, 323 and 504 read with 34 of the Indian Penal Code, 1860 (for short “the IPC”).

3 The application of applicant No.1 was already withdrawn on 17th August, 2023.

4 Applicant Nos.2 and 3 are the parents-in-law of the informant / respondent No.2.

5 Respondent No.2 / informant averred in the report that her marriage was solemnized on 14th February, 2005 with the son of applicant Nos.2 and 3. After her marriage, applicant No.2 transferred three acres of agricultural land, standing in his name, to the informant's name.

6 The informant further averred that from the time of the birth of her first daughter named Sonali (now deceased), the accused started to harass her. They used to say that since she had given birth to a girl child first, she was inauspicious and incapable of giving birth to a male child, and that they desired a son. At that time, they beat her and caused physical and mental cruelty. Thereafter, she gave birth to three more daughters namely Manisha (aged 16 years), Anita (aged 14 years), and Vaishnavi (aged 10 years). The applicants continued to abuse her by saying that she had given birth only to the daughters and that she was incapable of providing a male heir. On that ground, the accused used to beat her, keep her starved, pick up unnecessary quarrels, and humiliate her. Despite several interventions and repeated efforts by her parents and maternal relatives to convince the accused, they continued the harassment.

7 The informant further averred that in August 2019, her husband brought her alongwith their three daughters to her parental

home at Undarkhel and left them there, stating that she should not return to cohabit unless she brought Rs.5,00,000/- from her parents. She also mentioned that her eldest daughter, Sonali, passed away due to illness in the year 2019.

8 The informant further averred that on 24th January, 2023, at around 9:00 pm, while she was residing at her parental home at Undarkhel, her husband and the applicants came there and assaulted her and abused her in filthy language. They demanded Rs.5,00,000/- to the informant. They stated to informant that she would not be allowed to return to the matrimonial home. Her parents intervened and pacified the situation on that occasion. Therefore, she lodged the report.

9 The learned counsel for the applicants submitted that applicant Nos.2 and 3 have been falsely implicated in the crime. False allegation of demand of money is made against them. There is no cogent and acceptable evidence against them. Vague and general allegations are made against them. He lastly prayed to allow the application.

10 The learned APP for the State strongly opposed the application and submitted that applicant Nos.2 and 3 are involved in a

serious crime. Their names are mentioned in the report. They treated the informant with cruelty. They have committed anti-social crime. He lastly prayed to reject the application.

11 The learned counsel for the informant / respondent No.2 also strongly opposed the application. She submitted that applicant Nos.2 and 3 are involved in a serious crime. Their names are mentioned in the report. They treated the informant with cruelty. They demanded money to the informant. She lastly prayed to reject the application.

12 Here, it is relevant to refer to the decision of the Honourable Supreme Court in ***Mohammad Wajid and Another Vs. State of U.P. and Another***, reported in, ***2023 SCC Online SC 951; 2023 INSC 683***, whereunder the Honourable Supreme Court 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 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....”

13 A reference also can be made to the judgment in the case of ***CBI Vs. Aryan Singh***, reported in, ***2023 SCC Online SC 379***, in which the Honourable Supreme Court held as under:-

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

14 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 the report.

15 The application of applicant No.1/husband is withdrawn. So far as applicant Nos.2 and 3 are concerned, general and vague allegations of cruelty are made against them. No specific incident is stated as to when the informant was harassed by them. They are implicated in the crime only because they are parents of husband of the informant. The essential ingredients of Sections 498-A, 323 and

504 of the IPC are not established against applicant Nos.2 and 3. If the entire material is considered together, then it would certainly be an abuse of the process of the Court, if applicant Nos.2 and 3 are directed to face the trial. We are therefore, inclined to allow the application to the extent of applicant Nos.2 and 3, by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice and to prevent the abuse of the process of the Court. The application, therefore, deserves to be partly allowed. Hence, the following order:-

ORDER

- I. The application is partly allowed.
- II. The application of applicant No.1 is already disposed of as withdrawn by order dated 17th August, 2023.
- III. The proceedings in R.C.C. No.70 of 2023, pending in the Court of learned Chief Judicial Magistrate, Ashti, District Beed, arising out of FIR bearing Crime No.44 of 2023, dated 13th March, 2023, registered with Ambhora Police Station, District Beed, for the offences punishable under Sections 498-A, 323 and 504 read with 34 of the Indian Penal Code, stands quashed to the extent of applicant Nos.2 and 3 only.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]