



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

CRIMINAL APPLICATION NO.2662 OF 2023

1. Sumit s/o Ankush Sarvade
Age: 33 years, Occ. Labour,
R/o. DongarPimpla, Tq. Ambajogai,
Dist. Beed
2. Vanshita Ankush Sarvade,
Age : 78 years, Occ. Household,
R/o Dongar Pimpla, Tq. Ambajogai,
Dist. Beed
3. Tushar s/o Ramdhan Sarvade,
Age : 18 years, Occ. Labour,
R/o. Mumbra Reti Bandar,
Near Kaivlaya School,
Tq. & Dist. Thane
4. Ramdhan s/o Ankush Sarvade,
Age : 46 years, Occ. Labour,
R/o Mumbra Reti Bandar,
Near Kaivlaya School,
Tq & Dist. Thane
5. Amrapali w/o Ramdhan Sarvade,
Age : 37 years, Occ. Household,
R/o Mumbra Reti Bandar,
Near Kaivlaya School,
Tq. & Dist. Thane

... Applicants

-VERSUS-

1. The State of Maharashtra,
Through Police Inspector,
Sonpeth Police Station,
Tq. Sonpeth, Dist. Parbhani,
2. Pramita w/o Sumit Sarvade,

Age : 24 years, Occ. Household,
 R/o DongarPimpala, Tq. Ambajogai,
 Dist. Beed
 At present Shirshi (Bk), Tq. Sonpeth,
 Dist. Parbhani

...Respondents

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U. B. Deshmukh for the Applicants.
 V. K. Kotecha, APP for Respondents/State.
 Mr. S. S. Pidgeward, Advocate for Respondent No.2 (Absent).

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

DATED : 2nd MAY, 2025

O R D E R (Per Sanjay A. Deshmukh J.) :-

This application has been filed under section 482 of the Code of Criminal Procedure 1973 (for short the “Cr.PC.”) for quashing of the First Information Report (for short the “FIR”) vide Crime No.282 of 2022 registered with Sonpeth Police Station, Dist. Parbhani, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (‘IPC’) and proceeding i.e. R.C.C. No.137 of 2022 pending before the learned JMFC Sonpeth District Parbhani.

This Court on 21.08.2023 while issuing notices to the respondents expressed disinclination to entertain the application in respect of applicant no.1/the husband of informant. The learned Counsel for the applicant on instruction seeks leave to withdraw the

application as against applicant no.1. Accordingly, application was dismissed as withdrawn to the extent of applicant no.1.

Informant averred in the report that applicant no.2 is her mother-in-law. Applicant no.3 is her nephew, applicant no.4 is her brother-in-law, applicant no.5 is wife of applicant no.4. Informant averred in the report that she married before one and a half year with the son of applicant no.2. All the applicants on 01.10.2021 demanded her Rs.1,00,000/- for starting new grocery shop and harassed her by keeping her on starvation. They were saying that you are not able to cook the food properly, you are having black complex. They were beating the informant. They were compelling her to drink the water which was supposed to be used for bathing. They said her that you are not able to procreate child, you are impotent. Applicants threatened her that if she does not fulfill the demand of money they will kill her. On 28.12.2021 her husband dropped her to her parental house. By this way the applicants harassed her therefore she lodged the report.

The learned counsel for the applicants submits that the applicants are falsely implicated in the crime. There are general and vague allegations against them. No specific incident is stated by the informant in her report as to when demand of Rs.1,00,000/- for

starting new grocery shop was made. There is no cogent and acceptable evidence against the applicants. He submitted that if the applicants are compelled to face the trial, they will certainly suffer. He lastly prayed to allow the application.

The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. They have demanded Rs.1,00,000/- for starting new grocery shop. They have treated the informant with cruelty. He lastly prayed to reject the application.

Here, it is relevant to refer to the decision of the Hon'ble 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...."

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."

We have perused the charge sheet, particularly, report and statements of the witnesses. The witnesses have stated similar facts from the entire charge sheet it is not revealed that when particularly the applicants were gathered there to treat informant with cruelty by demanding Rs.1,00,000/- for starting new grocery shop. Applicant nos.3 to 5 are residing at Thane. Applicant No.2/mother-in-law is 78 years old. Role of all the applicants is not specifically stated by the informant in the report or by witnesses in their statements. Considering all these aspects, particularly, vague and general allegations are made against the applicants, and their role is not specifically stated from the entire material before this Court, if the applicants are compelled to face the trial, it would certainly be an abuse of the process of Court. We are therefore inclined to exercise our inherent powers under Section 482 of the Cr.P.C. for quashing the report and charge sheet against the applicant nos.2 to 5 in the interest of justice to prevent the abuse of process of Court. Hence, the following order :-

ORDER

- i. Application is partly allowed.
- ii. The application is disposed of as withdrawn with respect to applicant No.1.
- ii. Application is allowed with respect to applicant Nos.2 to 5. First Information Report ('FIR') vide Crime No.282 of 2022 registered with Sonpeth Police Station, Dist. Parbhani, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC') and proceeding i.e. R.C.C. No.137 of 2022 pending before the learned JMFC Sonpeth District Parbhani are quashed as against applicant Nos.2 to 5.

[SANJAY A. DESHMUKH J.]**[SMT. VIBHA KANKANWADI J.]***Narwade*