



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3591 OF 2024

1. Aasaram S/o. Piraji Gadbade
(Father-in-law)
Age: 63 Years, Occ: Labour,
R/o. House No. 5/12/2066,
Kadriya Colony, Misarwadi,
Chhatrapati Sambhaji Nagar.
2. Sangita @ Parwati W/o. Lahu Hiwrale
(sister-in-law)
Age: 39 Years, Occ: Household,
R/o. At present, House No. 5/12/2066,
Kadriya Colony, Misarwadi,
Chhatrapati Sambhaji Nagar.
3. Jyoti W/o. Arun Misal
(sister-in-law)
Age: 33 Years, Occ: Household,
R/o. At present, House No. 5/12/2066,
Kadriya Colony, Misarwadi,
Chhatrapati Sambhaji Nagar
4. Rahul S/o. Aasaram Gadbade
(brother-in-law)
Age: 34 Years, Occ: Service,
R/o. House No. 5/12/2066,
Kadriya Colony, Misarwadi,
Chhatrapati Sambhaji Nagar

...Applicants

Versus

1. State of Maharashtra
2. Bhagyashri W/o Santosh Gadbade
Age: 26 Years, Occ: Household,
R/o. Misarwadi,
Chhatrapati Sambhajinagar,
At present Nutan Wasahat,
Dist: Jalna.

...Respondents

.....
Mr. Rajendra N. Chavan, Advocate for the applicants
Mr. A.M. Phule, A.P.P. for the respondent No.1
Ms. Shilpa Aurangabad, Advocate for respondent No.2 (appointed).
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 1st APRIL, 2025

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

1. This application has been filed for quashing of criminal case bearing R.C.C. No. 1319 of 2021 pending before the Judicial Magistrate First Class, Jalna pursuant to the charge sheet No. 254 of 2021, arising out of Crime No. 121 of 2021 registered with Kadim-Jalna police station, District Jalna, for the offences punishable under Section 498-A, 323, 504 r.w. 34 of the Indian Penal Code, 1860 (for short "I.P.C.")

2. The relationship of respondent No.2 with the applicants is admitted. Applicant No.1 is father-in-law, applicant No.2 and 3 are married sisters-in-law, applicant No.4 is brother-in-law of the informant.

3. The informant-respondent No.2 averred in the report that her marriage was performed with Santosh, son of applicant No.1, on 23.04.2017. Her husband and all these applicants treated her well for about 2/3 months. Thereafter, they started to harass her. They

stayed at Misarwadi in the rented room. Thereafter, the informant and her husband started residing separately in a rented room at Misarwadi. Even there also, the applicants used to harass her. They used to come there and abuse her. When she begotten a son and she informed that fact to her husband, the applicants and her husband did not come to see her and the child. After four months, her mother left her in her matrimonial house. Her mother convinced them but thereafter, the informant was harassed by all the applicants. They were demanding money for purchase of a house. They abused her and slapped her. Therefore, respondent No.2. lodged the report.

4. Learned advocate for the applicants submitted that there are no specific allegations against the present applicants. All allegations are omnibus and general in nature. No exact date and time are given as to when the alleged cruelty was caused by the applicant. No report was lodged when the informant was residing with her husband. 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 establish that alleged cruelty has been caused to the informant. The applicant Nos. 2 and 3 are married sisters-in-law and they are residing at their respective matrimonial homes. Though there is demand of money for purchase of house, no specific amount is

stated in the report. All these applicants are close relatives of the husband of the informant and only in order to implicate entire family members, the report has been lodged, when there is no evidence against them. He further submits that the applicants have been falsely implicated in the crime. Therefore, he prayed to quash the report as well as the criminal case.

5. Learned A.P.P. for respondent No.1 State strongly opposed the application and submitted that the applicants have treated the informant with cruelty, physically as well as mentally. The names of the applicants are mentioned in the report. The specific roles by mentioning their names are attributed to each of the applicants. They cannot be exonerated from the criminal liability for the offences punishable under Sections 498-A, 323, 504 r.w. 34 of I.P.C.. It is lastly prayed to reject the application.

6. Learned advocate for respondent No.2-informant submits that the names of the applicants are mentioned in the report with their specific role attributed to them in respect of demand of money for purchase of house and due to non fulfillment of the said demand, the informant has been harassed frequently by the applicants. The applicants have treated the informant with cruelty, which constitute the offences referred in the F.I.R. Learned advocate lastly prayed to

reject the application.

7. 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.....”

8. A reference can be made to the judgment in the case of ***CBI vs. Aryan Singh, reported in 2023 SCC Online SC 379***, in which the Hon'ble Supreme Court held as under :-

“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.”

9. We have perused the report and the statements of the witnesses in the charge sheet. Though there are allegations of demand of money for purchase of house on the part of the applicants and husband of the informant, no specific incident is stated as to when they all gathered there and demanded the specific amount. The statements of witnesses are also similar to the statement of the informant. All these statements and F.I.R. are vague and only general and omnibus allegations are made against the applicants. All these allegations are not sufficient to constitute the offences punishable under Sections 498-A, 323, 504 r.w. 34 of I.P.C. In such circumstances, if these applicants are compelled to face the trial on such unsupported material, it would certainly be an abuse of process of Court. Therefore, we are inclined to invoke our inherent powers

under section 482 of the Cr.P.C. for quashing of the report and the criminal case in the interest of justice to prevent abuse of the process of the court. Hence, we pass the following order:-

O R D E R

- I. The application stands allowed.
- II. The R.C.C. No. 1319 of 2021 pending before the Judicial Magistrate, First Class, Jalna pursuant to the charge sheet No. 254 of 2021, arising out of Crime No. 121 of 2021 registered with Kadim-Jalna police station, District Jalna, for the offences punishable under Section 498-A, 323, 504 r.w. 34 of I.P.C. are quashed as against the applicants.

10. Since Ms. Shilpa Aurangabadkar, learned advocate is appointed to represent the cause of respondent No.2, we quantify her legal fees and expenses at Rs.7000/- (Rupees seven thousand only), to be paid by the High Court Legal Services, Sub-Committee, Aurangabad.

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