



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

CRIMINAL APPLICATION NO. 3399 OF 2024

1. Gajanan s/o Vishwanath Suryawanshi,
Age 38 years, Occu: Driver,
R/o. Borgaon, Tq. Bhokar,
District Nanded.
2. Padminibai W/o Vishwanath Suryawanshi,
Age 70 years, Occu: Household,
R/o. as above.
3. Vishwanath s/o Naryan Suryawanshi,
Age 80 years, Occu: Agril,
R/o. as above.
4. Avinash s/o Vishwanath Suryawanshi,
Age 41 years, Occu: Labour,
R/o. as above.
5. Sau. Shilpa w/o Avinash Suryawanshi,
Age 33 years, Occu: Household,
R/o. as above.
6. Sau. Jayshree Navanath Mane,
Age 43 years, Occu: Household,
R/o. Domgaon, Tq. Ahmedpur,
District Latur.
7. Sau. Sharda w/o Madhav Mane,
Age 39 years, Occu: Household,
R/o. as above.
8. Sahebrao s/o Kondiba Kadam,
Age 65 years, Occu: Agril,
R/o Gandewar Colony, Bhokar,
Tq. Bhokar, District Nanded.

9. Kishor s/o Sahebrao Kadam,
Age 33 years, Occu: Education,
R/o. as above.

10. Girish s/o Sahebrao Kadam,
Age 32 years, Occu: Education,
R/o. as above.

... Applicants

Versus

1. The State of Maharashtra,
Through its Police Station Officer,
Bhokar Police Station, District Nanded.

2. Pranjali w/o Gajanan Suryawanshi,
Age 24 years, Occu: Household,
R/o Borgaon, Tq. Bhokar, District Nanded.
At present Ritha, Tq. Bhokar,
District Nanded.

... Respondents

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Mr. Gautam Jaywant Karne, Advocate for Applicants.

Mrs. P. R. Bharaswadkar, APP for respondent No.1 / State.

Mr. Avinash D. Hande, Advocate for Respondent No.2.

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

DATE : 01st July, 2025.

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

1 Heard the learned advocates for the respective parties.

2 Present application has been filed under Section 482 of

the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashment of the proceedings in R.C.C. No.144 of 2023, pending in the Court of learned Judicial Magistrate First Class, Bhokar, for the offence punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short “the IPC”), as well as Charge Sheet No.168 of 2023, arising out of FIR bearing Crime No.331 of 2023, dated 22nd September, 2023, for offences punishable under Section 498-A, 504, 506 and 507 read with 34 of the Indian Penal Code.

3 The application of applicant No.1 was dismissed as withdrawn on 6th February, 2025.

4 Applicant Nos.2 and 3 are the parents-in-law of the informant / respondent No.2. Applicant No.4 is the brother-in-law of the informant. Applicant No.5 is the wife of applicant No.4. Applicant Nos.6 and 7 are the sisters-in-law of the informant. Applicant No.8 is the maternal uncle of the husband of informant and applicant Nos.9 and 10 are the sons of applicant No.8.

5 Respondent No.2 / informant averred in the report that her marriage was solemnized on 9th May, 2016 with the son of applicant Nos.2 and 3 as per Hindu religious rites and customs. Whenever

applicant Nos.6 and 7 residents of Domgaon, Taluka Ahmedpur, visited the matrimonial home of informant, they used to harass the informant by stating that she did not know how to cook or manage household chores and that she belonged to a beggar's family, and therefore, she should not be served meals. They further taunted her by saying that she should not cohabit with their brother. They insulted her and kept her on starvation on several occasions.

6 The informant further averred that her husband took her to Pune for work purposes, where he was working privately as an estate broker. While she was also engaged in a private job, a son was born to them in the year 2019. Thereafter, the household expenses began to increase, due to which her husband faced financial difficulties and started harassing the informant by repeatedly demanding that she should bring money from her parental home for household expenses. When she failed to comply, her husband used to assault her frequently. The informant told her parents about the harassment. Her parents came to Pune and tried to convince her husband and then took her back to her parental village, Ritha. Subsequently, the informant and her father visited Borgaon and tried to speak with the family members of her husband regarding the cruelty by her husband. At that time, applicant Nos.2 to 5 instructed the informant and her father not to visit their house again and asked why they were interfering in their family

matters. They further threatened that if they came back again, she would be assaulted. Thereafter, the informant returned to Ritha alongwith her father.

7 The informant further averred that after few days, applicant Nos.8 to 10 came to Ritha to convince the informant. However, instead of pacifying her, they warned her not to live with her husband and stated that a DNA test would be conducted of the child born to her and only after that she would be allowed to cohabit. They further threatened that if she tried to cohabit again with her husband, they would assault her and her father. While she was staying at her parental home, applicant No.8 contacted her by phone call and threatened her to dissolve the marriage by divorce and accept a monetary settlement or else she might proceed to file a police complaint, and in that event, they would secure bail by using their financial power.

8 The informant further averred that on 17th January, 2023, at around 12:00 noon, her father convened a meeting near Guda Mahadev Temple for compromising the matter. Several respected persons from the village, including Subhash Patil Kinhalkar, Gangadhar Shadulwad and Deepak Polawad and others, were present at the meeting. However, during the said meeting, her husband and

applicant No.4 objected to cohabitation.

9 The informant further averred that applicant Nos.2 to 7 harassed her by abusing, insulting and starving. Applicant Nos.8 to 10 continued to visit her parental home and threatened to kill her. Therefore, she lodged the report.

10 The learned counsel for the applicants submitted that applicant Nos.2 to 10 are falsely implicated in the crime. There is no cogent and acceptable evidence against them. Vague and general allegations are made against them. If they are compelled to face the trial, it would be an abuse of the process of the Court. She lastly prayed to allow the application.

11 The learned APP for the State strongly opposed the application and submitted that applicant Nos.2 to 10 are involved in a serious offence. Their names are mentioned in the report. They committed anti-social crime. She lastly prayed to reject the application.

12 The learned counsel for the informant / respondent No.2 also strongly opposed the application. He submitted that the names of applicant Nos.2 to 10 are mentioned in the report. They are involved in

serious crime. There is strong evidence against them. He lastly prayed to reject the application.

13 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....”

14 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.”

15 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.

16 The application of applicant No.1 is withdrawn. So far as applicant Nos.2 to 10 are concerned, general and vague allegations are made against them. No specific incident causing cruelty on the part of applicant Nos.2 to 10 is stated by the informant in the report. The essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC are not establishing against them from entire charge-sheet. If the entire material is considered together with the above reason, then it would certainly be an abuse of the process of the Court, if applicant Nos.2 to 10 are directed to face the trial. We are therefore, inclined to allow the application to the extent of applicant Nos.2 to 10, 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 dismissed as withdrawn by order dated 6th February, 2025.
- III. The proceedings in R.C.C. No.144 of 2023, pending in the Court of learned Judicial Magistrate First Class, Bhokar, for the offence punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code as well as Charge Sheet No.168 of 2023, arising out of FIR bearing Crime No.331 of 2023, dated 22nd September, 2023, for offences punishable under Section 498-A, 504, 506 and 507 read with 34 of the Indian Penal Code, stands quashed to the extent of applicant Nos.2 to 10 only.

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

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