



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2861 OF 2023

1. Sandip s/o Dayalu Chavan
Age 37 years, Occ. Service
R/o. Urban Bank Colony,
Hedgewar Nagar, Malkapur
District Buldhana
(withdrawn)
2. Dayalu s/o Mangilal Chavan
Age 71 years, Occ. Pensioner
R/o. Urban Bank Colony,
Hedgewar Nagar, Malkapur
District Buldhana
(withdrawn)
3. Indumati w/o Dayalu Chavan
Age 60 years, Occ. Household
R/o. Urban Bank Colony,
Hedgewar Nagar, Malkapur
District Buldhana
(withdrawn)
4. Pradeep s/o Dayalu Chavan
Age 34 years, Occ. Private Service
R/o. Urban Bank Colony,
Hedgewar Nagar, Malkapur
District Buldhana
(withdrawn)
5. Atmaram s/o Wagha Chavan
Age 65 years, Occ. Pensioner
R/o. Chandak Lay Out,
Chikhali Road, Buldhana
6. Malti w/o Atmaram Chavan
Age 54 years, Occ. Household
R/o. Chandak Lay out,
Chikhali Road, Buldhana
7. Ranjana w/o Tukaram Chavan
Age 50 years, Occ. Household

R/o. At Liha Bk. Taluka Motala,
District Buldhana

8. Gajanan s/o Raisingh Rathod
Age 48 years, Occ. Service
R/o. Chandak Lay Out, Chikhali
Road, Buldhana, District Buldhana ...Applicants

Versus

1. The State of Maharashtra
Through Majalgaon City
Police Station, Majalgaon
District Beed
2. Meena w/o Sandip Chavan,
Age 34 years, Occ. Household
R/o. Brahmangaon, Tq. Majalgaon
District Beed ...Respondents

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Mr. Shaikh Sohail Subhedar, Advocate for the applicants
Mr. N.R. Dayama, A.P.P. for the respondent No.1
Mr. A.T. Jadhavar, Advocate for respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 10th JULY, 2025**

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

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing of criminal proceeding bearing R.C.C. No. 284 of 2022 pending before the learned Judicial Magistrate First Class, Majalgaon District Beed arising out of F.I.R. vide C.R. No. 320 of 2022 registered with

Majalgaon city police station, Tq. Majalgaon, District Beed, for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.").

3. The application of applicant No.1 has already been disposed of as withdrawn vide order dated 05.09.2023. Today, after hearing learned advocate for applicants for some time, when this court showed disinclination to grant relief to applicant Nos.2, 3 and 4, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant Nos.2, 3 and 4. Leave granted. The application to the extent of applicant Nos.2, 3 and 4 stands dismissed as withdrawn.

4. The informant averred in the report that applicant Nos. 5 and 6 are her co-parents-in-law, applicant No.7 is relative of husband of the informant and applicant No.8 is maternal uncle of husband of the informant.

5. The informant further averred in the report that she married with co-accused Sandip Dayalu Chavan on 27.3.2014. At the time of her marriage, her husband was serving in Railway police at Igatpuri, District Nashik. She begot a son Yuvraj, 7 years old and a daughter Shridhara, 1 year old. The informant further averred that initially after

marriage, she was treated well for one and half years but thereafter, her husband, parents-in-law and brother in law started to harass her on trivial reasons saying that she was not able to do the household chores properly and was continuously suffering from illness. When she told about the said harassment to her parents, her parents-in-law and her husband beat her. The relatives of her mother-in-law i.e. applicant No.7 Ranjana and maternal uncle applicant No.8 Gajanan, who were residing in Buldhana city, were frequently coming to the house of her husband and saying to the informant to live properly and obey the directions of her mother-in-law and on that count they were harassing the informant.

6. The informant further averred that thereafter, the service of her husband was transferred to Lokmanya Tilak Terminus at Mumbai. Then, the informant came to know that at Mumbai, her husband has developed illicit relationship with one woman namely Aradhana Thakur, who was serving with him. The informant enquired with her husband and parents-in-law and they said that she cannot do anything and they started to harass her.

7. The informant further averred that in the year 2021, she went for delivery to her parental house and begot a daughter on 6.8.2021. After six months, her father fetched her to Kalyan, where

her husband was residing. At that time her husband refused to cohabit with her. He told that he has obtained a loan for a plot and he required Rs.10,00,000/- for payment of the loan amount. He demanded Rs.10,00,000/- from her and drove her out of the house. The informant thereafter came to her parental house. She made application to the Women's Grievance Cell, Beed. The applicants and other accused came there. They said that they will treat the informant properly and allow her to cohabit with her husband. She was taken to Malkapur for cohabitation. At that time, her husband came on leave. He said that now she is no longer required as he is residing with that woman. At that time, her husband and mother in law beat her.

8. The informant further averred that, at the time of Diwali festival of 2022, the informant was sent to her parental house for Bhaubeej festival. After two days, on 28.10.2022 when she came back to her husband's house at Malkapur. nobody was there. When she made phone call to her father-in-law, he told that they are at Buldhana. When she went there, she saw that her mother-in-law and applicant Nos. 6 and 7 were there. They asked the informant as to why she come there. She should go to her husband. They abused and slapped her. She made phone call to her father. Her father came there and she lodged the report. After that, her father-in-law and

applicant No.5 Atmaram came to the police station, convinced the informant and the police and took her back to Malkapur. After reaching at Malkapur, they beat her by fist and kick blows and also slapped her. She was driven out of the house. The informant made phone call to her husband and asked him as to whether she should come to him, but he refused and said that he will not allow her to cohabit. Thereafter, at 10.00 p.m. her father and maternal uncle Vishnu Pawar came at Bichkuldara Tanda came there. They convinced the parents-in-law of the informant. They told her father to take his daughter back. Thereafter, her father took her to Brahmangaon and lodged the report against the applicants and other accused persons.

7. Learned advocate for the applicants submitted that the applicants are in no way concerned with the allegations made by the informant. The applicants are distant relatives of in-laws of the informant. All the applicants are residing at different places. Therefore, there are vague and baseless allegations made against the applicants, without quoting the specific role of these applicants. The date and time of allegation of abuses, beating at the instance of the present applicants is also not attributed. All allegations are vague and general in nature. There is a delay in lodging the report. 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 prove that the harassment and cruelty has been caused to the informant at the hands of the applicants. The applicants are close relatives of the husband of the informant and therefore, they have been falsely implicated in the crime without any basis. Therefore, he prayed to quash the proceedings.

8. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by submitting that the applicants have treated the informant with cruelty. Further on the say of the present applicants, the other accused used to beat her and demand an amount of Rs.10,00,000/- for repayment of loan amount. On account of non fulfillment of the said demand, the applicants have treated the informant with cruelty. Though the applicants are residing at different places, they frequently used to visit the house of in-laws of the informant and instigate the co-accused to harass the informant. The specific role by mentioning their names are attributed to the applicants. The applicants cannot be exonerated from the criminal liability under Sections 498-A, 323, 504 and 506 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

9. 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....."

10. We have perused the charge sheet, particularly the report and the statements of witnesses. The witnesses have stated same facts as per report. There is no injury certificate on record. As far as these applicants are concerned they are distant relatives and the incident dated 28.10.2022 is alleged to have occurred in the house of applicant No.8 Gajanan Rathod. These applicants never demanded the amount to the informant. They asked why she had come there and to go to her husband. They also slapped and beat by fist and kick blows. Their specific role is not stated by the informant either in the report and the statements of witnesses. Vague and general allegations are made against the applicants which are not sustainable. Therefore, on the basis of general and vague allegations made against the applicants, essential ingredients of Sections 498-A, 323, 504 and 506 r/w 34 of the I.P.C. are not establishing against the applicants. Therefore, on such vague and general allegations, compelling the applicants to face the trial, would be an abuse of the process of the court. The case is made out for exercise of our powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice and to prevent the abuse of the process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The R.C.C. No. 284 of 2022 pending before the learned Judicial Magistrate First Class, Majalgaon District Beed arising out of F.I.R. vide C.R. No. 320 of 2022 registered with Majalgaon city police station, Tq. Majalgaon, District Beed, for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. are quashed and set aside to the extent of applicant Nos.5 to 8.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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