



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3061 OF 2023

1. Suresh s/o Khandu Khade
Age 37 years, Occ. Service
R/o. Room No.3, Ram Kuber Chawl,
S.V. Road, Dahisar East, Mumbai
 2. Sushilabai w/o Khandu Khade
Age 77 years, Occ. Housewife
R/o. As above
 3. Sarika Chandrakant Ghuge
Age 41 years, Occ. Self employed,
R/o. N-1-16, Shivaji Chowk,
Near Shani Mandir, Old Cidco
Tq. and District Nashik
 4. Chandrakant s/o Ramdas Ghuge
Age 47 years, Occ. Photographer
R/o. As above
- ...Applicants

Versus

1. The State of Maharashtra
Through Police Inspector
Gangakhed, Tq. Gangakhed
District Parbhani
 2. Ranjana w/o Suresh Khade
Age 27 years, Occ. Housewife
R/o. Panhalsathe, Tq. Yeola,
Dist. Nashik, C/o. Tuljabhavani
Nagar, Gangakhed,
Tq. Gangakhed, Dist. Parbhani
- ...Respondents

.....
Mr. Kartik Katariya h/f Mr. Eklavya Potdar, Advocate for applicants
Mr. G.A. Kulkarni, A.P.P. for the respondent No.1
.....

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

DATED : 23rd JULY, 2025

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

1. Heard learned advocate for the applicants and learned A.P.P. for respondent No.1 State. None present for respondent No.2.

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 F.I.R. No. 281 of 2023 dated 5.7.2023 registered with Gangakhed police Station, district Parbhani for the offences punishable under Sections 498-A, 323, 504 and 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.") and the consequential criminal proceeding bearing R.C.C. No. 291 of 2023 pending before the Judicial Magistrate First Class, Gangakhed, District Parbhani.

3. The informant averred in the report that the applicant No.1 is her husband, applicant No.2 is mother in law, applicant No.3 is sister in law and applicant No.4 is the husband of applicant No.3.

4. The informant further averred in the report that she married with applicant No.1 on 19.6.2017. In her marriage, all household articles were given. After marriage, she went to cohabit with the applicant No.1 at Diva, district Thane, alongwith applicant No.2. She

was cohabiting there happily for six months. However, after a period of six months of her marriage, the applicant Nos. 1 and 2 started to harass her by demanding Rs.10,00,000/-. The applicant No.2 used to harass her on trivial reasons. Applicant No.1 was doubting her character and he used to abuse and beat her. The applicant Nos. 3 and 4 used to come at their residence once in a week. It is alleged that applicant Nos. 3 and 4 were instigating applicant No.1 upon which he used to beat her. When the informant informed about that harassment to her parents, they stated that after some days, there will be a change. After six months, she begot a daughter viz. Rajnandini. However, temper of the applicants was not changed. All of them starved and beat her for non fulfillment of demand of Rs.10,00,000/-. The informant was driven out from the house alongwith her daughter.

5. The informant further averred that on 2.3.2023 at about 9.00 a.m. when the informant was at her parents house, all the applicants came there and said that either she pay Rs.10,00,000/- or give divorce to applicant No.1. They told her that if she is not giving divorce, they will eliminate her. They abused and beaten the informant, her mother and brother. At that time, the neighbours Dilip Murkute and Sachin Gangadhar Kusle came there and separated the quarrel. The informant further averred that she made an application

to the Women's Grievance Redressal Cell at Parbhani. Total four meetings were conducted, however, the matter could not be settled. The informant thereafter lodged the report.

6. Learned advocate for the applicants submitted that vague and general allegations are made against the applicants. There is inordinate delay in lodging the report and the informant has not given the plausible reason for that delay. The witnesses are relatives and interested witnesses. Learned advocate lastly prayed to allow the application.

7. Learned A.P.P. for respondent No.1 State strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. There was a illegal demand of Rs.10,00,000/- on the part of all applicants for purchase of plot. The names of the applicants are mentioned in the report with their specific roles, which are attributed to each of the applicants. They 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.

8. It would be relevant to rely upon the judgment of the Hon'ble Supreme Court in the case of ***Disha Kapoor vs. State of***

Uttar Pradesh and others, reported in 2025 SCC OnLine SC 1070, wherein it is held that the Courts to be doubly cautious and extremely careful in dealing with such complaints, especially since the ultimate object of justice is to find out the truth and not only to punish the guilty but also to protect the innocent.

9. We have perused the charge sheet, particularly the report and the statements of the witnesses. The witnesses have stated similar facts as stated by the informant in her report. There are specific allegations of harassment and beating as well as the demand of amount of Rs.10,00,000/- made against applicant No. 1 and 2 in the report and the same is supported by the witnesses. The allegations of cruelty caused to the informant on account of doubting her character are made against applicant No.1, who is husband of the informant. The informant was residing at matrimonial home in Mumbai with applicant Nos.1 and 2. The allegations of cruelty i.e. beating and demand of amount to the informant are made against the applicant Nos. 1 and 2, which establishes essential ingredients of Section 498-A of the I.P.C. i.e. illegal demand are establishing against them. Further there is averment in the report that she was beaten by applicant No.1-husband. Thus, there is material as to abusing, insulting, threatening and causing intimidation to the informant on the part of applicant Nos. 1 and 2, which establishes the

essential ingredients of sections 504 and 506 r.w. 34 of the I.P.C. against applicant Nos.1 and 2. If all these aspects are considered together, the application of applicant Nos. 1 and 2 deserves to be rejected, as there is reliable material against them for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. Therefore, it is not a fit case where this Court should exercise its powers under Section 482 of the Cr.P.C. to the extent of applicant Nos. 1 and 2.

10. As far as applicant Nos. 3 and 4 are concerned, their marriage was solemnized on 22.4.2023 i.e. prior to the date of filing of the report. As far as the cruelty on account of demand of Rs.10,00,000/- is concerned, the role of applicant No. 3 and 4 is not specifically stated as to when they demanded the said amount and harassed the informant for it. There is no reliable material of alleged demand of money on the part of applicant Nos. 3 and 4. The cruelty as defined in Section 498-A of I.P.C. i.e. cruelty coupled with demand or driving to commit suicide is not established against them. Further, there is no material against the applicant Nos. 3 and 4 that they voluntarily caused hurt, the criminal intimidation and intentional insult of the informant to proceed against them under Section 323, 504 and 506 of I.P.C. Vague and general allegations of cruelty are made against applicant Nos. 3 and 4 without having supportive material. The

allegations of cruelty are improbable and do not establish the essential ingredients of Sections 498-A, 323, 504 and 506 r.w. 34 of the I.P.C. as against applicant Nos. 3 and 4. Therefore, on such general and vague allegations and as per law laid down by the Hon'ble Apex Court in the case of ***Disha Kapoor vs. State of Uttar Pradesh and others (supra)***, only because applicant Nos. 3 and 4 are relatives of the in-laws of the informant, compelling them to face the trial, would be an abuse of the process of the court. The case is made out for exercise of our extraordinary powers under section 482 of the Cr.P.C. in respect of applicant Nos. 3 and 4. We are therefore, inclined to allow the application to the extent of applicant Nos. 3 and 4, in the interest of justice to prevent the abuse of process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The application stands rejected to the extent of applicant Nos. 1 and 2.
- III. The F.I.R. No. 281 of 2023 dated 5.7.2023 registered with Gangakhed police Station, district Parbhani for the offences punishable under Sections 498-A, 323, 504 and 506 r.w. 34 of the I.P.C. and the consequential criminal proceeding bearing

R.C.C. No. 291 of 2023 pending before the Judicial Magistrate,
First Class, Gangakhed, District Parbhani, stand quashed and
set aside as against applicant Nos. 3 and 4.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

rlj/