



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3121 OF 2023

1. Saraswati W/o. Sakharam Sanap
Age : 52 Years, Occu. : Housewife,
2. Sakharam S/o. Bhivaji Sanap
Age : 58 Years, Occu. : Service/Retired,
3. Veer @ Sudarshan S/o. Sakharam Sanap
Age : 24 Years, Occu. : Service,
4. Swati W/o. Ganesh Shirsath
Age : 33 Years, Occu. : Service,
5. Ujjawala W/o. Yogesh Gute
Age : 34 Years, Occu. : Housewife,
All R/o. Plot No.58, Gat No.144,
Urja Nagar, Near Ayyappa Mandir,
Satara Parisar, Aurangabad.

.... Applicants

VERSUS

1. The State of Maharashtra.
2. Kanchan W/o. Akshay Sanap
Age : 26 Years, Occu. : Housewife,
R/o. Pruthvi Park, In front of
Kashmir Dhaba, Padegaon, Aurangabad.

.... Respondents

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Advocate for Applicants : Mr. Rahul P. Mote
APP for Respondent No.1-State : Mr. G.A. Kulkarni
Advocate for Respondent No.2 : Mr. Mahesh K. Bhosle

....

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

Dated : 20th March 2025

ORDER [PER SANJAY A. DESHMUKH, J.] :-

1. Heard learned Advocate for both the sides as well as learned APP for the State.

2. This is an application for quashing the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.1299 of 2024, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Court No.11, Aurangabad, arising out of Crime bearing No.0241 of 2023, registered at Satara Police Station, Aurangabad (City), Tq. & Dist. Aurangabad, dated 29.07.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

3. Learned Advocate for the applicants pointed out the report dated 29.07.2023, in which respondent No.2/informant averred that applicant No.1 is her mother-in-law, applicant No.2 is her father-in-law, applicant No.3 is her brother-in-law and applicant Nos.4 and 5 are her sisters-in-law.

4. The informant further averred in her report that she married with the son of applicant Nos.1 and 2 on 17.06.2019. Her father incurred Rs.30 Lakhs for the marriage i.e. 10 tolas gold ornaments, Rs.10 Lakhs as a remuneration, Rs.2.5 Lakhs as the rent of

marriage hall, Rs.75,000/- for Orchestra, Rs.50,000/- for DJ system, Rs.60,000/- for band party, Rs.90,000/- for video shooting, Rs.60,000/- for photography. After marriage, she was treated well for two to three months. Thereafter, applicant Nos.1 and 2 started to harass her by saying that “your parents’ economic status is not good, the marriage was not properly performed, your parents have not taught you how to behave properly, you are not capable to do the household chores properly.” All the applicants harassed her for petty reasons. Thereafter, she and her husband went to reside in a rented room. There also, her husband used to quarrel with her for petty reasons. He left her alone there and went to stay with his parents. He threatened her that he will not give the monthly rent and he will not pay money to her for her expenses.

5. The informant further averred in her report that, on 01.12.2020, the applicants and her husband had submitted a false application to the Women Grievance Redressal Centre, Aurangabad and withdrawn it on 15.02.2021. Thereafter, her husband said that he has taken loan for construction of house, for that, she has to fetch some amount from her parents for construction of house. He took out the gold ornaments on her person on 12.07.2021 and expelled her from the house.

6. The informant further averred in her report that her husband came to meet her in the Marathwada University area and asked her to show her mobile handset. She refused to show it. He snatched that mobile handset and ran away. She lodged the report against her husband. He doubted her character and abused her. Her brother-in-law and sisters-in-law i.e. applicant Nos.3 to 5 also defamed her. Her husband is serving in the District Court, Aurangabad. He is frequently threatening her that nobody will do anything to him. Her husband said that his father is serving in the police department and his sister is serving in the Collector Office. They are having influence in all offices, nobody will help her. They were frequently harassing and insulting her. Therefore, the informant lodged the report against the applicants.

7. Learned Advocate for the applicants submitted that names of the applicants are mentioned in the F.I.R. However, how these applicants harassed is not stated by the informant in the report and by the witnesses in their statements, who are relatives of the informant. The informant was residing with her husband separately in a rented room which was taken on lease in the name of mother of the informant for the residential purpose only. The applicants have never treated the informant with cruelty. They are falsely implicated in the

present crime. The essential ingredients of Sections 498-A, 323, 504, 506 of I.P.C. are not establishing from the entire charge-sheet. It is lastly prayed to allow the application by quashing the report and charge-sheet against the applicants.

8. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty against the applicants. Their names are mentioned in the F.I.R. In spite of incurring a huge amount in the marriage, the applicants treated the informant with cruelty by making illegal demand of money, abusing her and caused physical and mental cruelty and compelled her to reside at her parental house. There is a strong evidence of causing of cruelty against the applicants supported by evidence of witnesses. It is lastly prayed to reject the application.

9. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that the applicants are involved in the serious crime. They have treated the informant with cruelty by making illegal demand of money, abusing her and they have caused physical and mental cruelty. The specific incidents are stated by the informant in the report. There are statements of witnesses which are corroborating with the version of the informant.

Names of the applicants are mentioned in the report. There is a strong evidence against the applicants to proceed further with the trial. In such a fact situation, the application deserves to be rejected as there is a reliable evidence against the applicants. He prayed to reject the application.

10. In the context of this case, it would be relevant to refer the following case laws :

i) ***Mohammad Wajid and Another Vs. State of U.P. and Another, reported in 2023 SCC Online SC 951; 2023 INSC 683,*** wherein the Hon'ble Supreme Court has laid down the law as follows :-

“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....”

ii) ***CBI vs. Aryan Singh, reported in 2023 SCC Online SC***

379, in which the Hon’ble Supreme Court has held as follows :-

“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.”

iii) ***Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported***

in 2025 SCC Online SC 17, wherein the Hon’ble Supreme Court, in para.9 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. We have perused the charge-sheet, particularly report and statements of the witnesses. From the report itself, it is crystal clear that most of the serious allegations of causing cruelty are made by the informant against her husband that he harassed and left her in a rented room and he directed her to pay the rent of that room. He refused to pay money for her daily expenses.

12. It is alleged that the informant was harassed to bring the money from her parents for paying the loan amount of the construction of house. Her gold ornaments were taken away on 12.07.2021 by her husband. The incident of snatching her mobile handset and doubting her character took place at the university area. Though it is alleged that the applicants defamed the informant, the manner in which she was defamed is not stated. No specific incident is stated by the informant in her report as to how and when the applicants individually caused her cruelty. Applicant No.1 is serving in the police department and applicant No.4 is serving in the Collector Office, Aurangabad and they threatened that they are having influence in the Government offices, hence nobody will do anything to them. Those are vague allegations against these applicants. When those threats were given is not stated in the report or in the statements of witnesses. The general, vague and omnibus allegations are made against the applicants by the informant, which are not sustainable. The allegations of cruelty are made against the husband of the informant. He is not a party to this application. From those allegations, the essential ingredients of Sections 498-A, 323, 504, 506 of I.P.C. are not establishing against the applicants.

13. Considering all these aspects, we are of the view that, this is a fit case in which the report and charge-sheet can be quashed in the interest of justice and to prevent the abuse of process of Court. If the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. We are, therefore, inclined to allow the application by invoking our inherent powers under Section 482 of Cr.P.C., in the interest of justice to prevent the abuse of process of Court. The application deserves to be allowed. Hence, the following order.

ORDER

- I) The application stands allowed.
- II) The First Information Report and charge-sheet in R.C.C. No.1299 of 2024, pending before the learned Judicial Magistrate First Class, Court No.11, Aurangabad, arising out of Crime bearing No.0241 of 2023, registered at Satara Police Station, Aurangabad (City), Tq. & Dist. Aurangabad, dated 29.07.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against the applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE