



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

CRIMINAL APPLICATION NO. 3260 OF 2023

1. Kiran w/o Prakash Ajmera
(Mother-in-Law)
Age: 59 years, Occu: Household,
R/o. Kailash Nagar, Taroda (Bk.)
Tq. Nanded Dist. Nanded.
2. Prakash s/o Balaprasad Ajmera,
(Father-in-Law)
Age: 64 years, Occu: Pensioner,
R/o. Kailash Nagar, Taroda (Bk.)
Tq. Nanded Dist. Nanded.
3. Karuna w/o Suhas Toshniwal
(Sister-in-Law)
Age: 36 years, Occu: Household,
R/o. Behind Applewood Township
Near Surbhit Vatika
Beside Aravalli, Sanand Shela,
Ahmedabad, Gujarat.

... Applicants

Versus

1. The State of Maharashtra
Through Police Station Gangapur
Tq. Gangapur Dist. Aurangabad.
2. Ashwini w/o Pankaj Ajmera
Age: 36 years, Occu: Household,
R/o. Marwadi Galli, Near Police Station,
Gangapur, Tq. Gangapur
Dist. Aurangabad.

... Respondents

...

Mr. Ashish Balaji Shinde, Advocate for Applicants.

Smt. P. R. Bharaswadkar, APP for Respondent / State.

...

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

DATE : 30th July, 2025.

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

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing of the proceedings in R.C.C No.284 of 2023, pending in the Court of learned Judicial Magistrate First Class, Gangapur, District Aurangabad, arising out of FIR bearing Crime No.170 of 2023, dated 19th April, 2023, registered with Gangapur Police Station, District Aurangabad (Rural), for the offences punishable under Section 498-A, 323, 504, 506 and 507 read with 34 of the Indian Penal Code, 1860 (for short “the IPC”).

3 Applicant Nos.1 and 2 are the parents-in-law of the informant / respondent No.2. Applicant No.3 is the sister-in-law of the informant.

4 Respondent No.2 / informant averred in the report that her marriage was solemnized on 8th November, 2021, with the son of applicants Nos.1 and 2 as per Hindu rites and customs. After one and

a half months of marriage, her husband went to the United States of America (USA) for employment. Thereafter, the applicants treated her well for some time. Subsequently, after her visa was sanctioned, she also went to the USA to reside with her husband.

5 The informant further averred that her husband was addicted to liquor, and under the influence of the same, he harassed her physically, mentally and economically. He abused her in filthy language, assaulted her and drove her out of the house on several occasions. He taunted her by saying that he had married her only for the purpose of getting a child and directed her to ask her father to bear her all expenses.

6 The informant further averred that while she was residing at her matrimonial home in Nanded, the applicants harassed her on the ground of making phone calls to her parental home and on the issue of visiting her parental house.

7 The informant further averred that her husband, from the USA, demanded that she should leave her minor daughter and send her to him in the USA and, in return, her husband would pay her Rs.5,00,000/-. He also threatened through e-mail that otherwise he would initiate legal proceedings in Court for custody of the child and that the informant would not be able to do anything. She stated that

while she was residing with her husband in the USA, he threatened her and took away the gold ornaments of the informant. Her husband obtained her signatures on divorce papers. Thereafter, the informant returned to India alongwith her minor daughter, as her father had arranged for the air tickets. Therefore, she came to her parents' house. Then she lodged the report.

8 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. There is no cogent and acceptable evidence against the applicants. Vague and general allegations are made against the applicants. He lastly prayed to allow the application.

9 The learned APP for respondent / State strongly opposed the application. She submitted that the applicants are involved in a serious crime. Their names are mentioned in the report. They treated the informant with cruelty. They have committed an anti-social crime. There is strong evidence against them. She lastly prayed to reject the application.

10 Here, it would be relevant to refer the authority in the case of ***Disha Kapoor Vs. State of Uttar Pradesh and others***, reported in, ***2025 SCC OnLine SC 1070***, in which the Honourable Supreme Court in paragraph No.2 held as under:-

“2. The learned Single Judge, before whom the petitioner appeared in person, quashed the proceedings initiated relying on *Preeti Gupta v. State of Jharkhand* which noted with anguish the rapidly increasing matrimonial litigations in the country roping in the close relatives of the husband and even members of the extended family, as in this case, on allegations of harassment. This requires 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. It was also emphasised that in the event of the proceedings being found to be an abuse of process of Court, then necessarily the power under Section 482, Cr.P.C. should be invoked to secure the ends of justice.”

11 We have perused the charge-sheet, particularly, the report and the statements of witnesses. The witnesses have stated the similar facts as stated by the informant in her report.

12 It is an admitted fact that after the marriage, the informant went to USA for cohabitation with her husband. The allegations are made against the husband. The husband is not party to the present proceedings. It is stated that the applicants harassed the informant on the ground of making phone calls to her parents and on the point of visiting her parents' house. However, the date of that incident is not

stated by the informant in the report. The applicants are implicated in this crime only because they are relatives of the husband of informant. From the report and the statements of witnesses the role of these applicants is not spelled out.

13 To establish cruelty as contemplated under Section 498-A of the IPC, it is necessary to establish its essential ingredients as defined in it that there was a demand for money or dowry, or cruelty was caused that drives the woman to commit suicide or to cause grave injury or danger to her life, limb, or mental or physical health. There is no such material on record to show the overt act of the applicants to establish cruelty.

14 It is not case of the informant that the applicants caused any injury voluntarily to the informant. There is no material to show that the applicants intentionally insulted her with intent to provoke breach of the peace and caused criminal intimidation to the informant. The essential ingredients of Sections 498-A, 323, 504, 506 and 507 of the IPC are not established against them.

15 After considering entire material, it is crystal clear that vague and general allegations are made against the applicants. Considering all facts of the case and the above reasons, if the applicants are compelled to face the trial, it would certainly be an

abuse of the process of the Court. We are therefore, inclined to allow the application by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice to prevent the abuse of the process of the Court. The application, therefore, deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The proceedings in R.C.C No.284 of 2023, pending in the Court of learned Judicial Magistrate First Class, Gangapur, District Aurangabad, arising out of FIR bearing Crime No.170 of 2023, dated 19th April, 2023, registered with Gangapur Police Station, District Aurangabad (Rural), for the offences punishable under Section 498-A, 323, 504, 506, 507 read with 34 of the Indian Penal Code, stands quashed as against the present applicants.

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

nga