



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

CRIMINAL APPLICATION NO. 3264 OF 2023

1. Ananda S/o. Dhondu Sawale,
Age : 56 Years, Occu. : Agriculturist,
R/o. Village Shelti, Tq. Shahada,
Dist. Nandurbar.
2. Shakuntala W/o. Ananda Sawale,
Age : 49 Years, Occu. : Household,
R/o. Village Shelti, Tq. Shahada,
Dist. Nandurbar.
3. Rahul S/o. Ananda Sawale,
Age : 30 Years, Occu. : Agriculture,
R/o. Village Shelti, Tq. Shahada,
Dist. Nandurbar. .
4. Rajat S/o. Ananda Sawale,
Age : 28 Years, Occu. : Agriculture,
R/o. Village Shelti, Tq. Shahada,
Dist. Nandurbar.
5. Dattatraya S/o. Limji Koli,
Age : 47 Years, Occu. : Agriculture,
R/o. Village Pimpri,
Tq. & Dist. Nandurbar.
6. Devidas S/o. Vitthal Chavan,
Age : 55 Years, Occu. : Agriculture,
R/o. Village Chaupale,
Tq. & Dist. Nandurbar.
7. Sandip S/o. Devidas Chavan,
Age : 37 Years, Occu. : Agriculture,
R/o. Village Chaupale,
Tq. & Dist. Nandurbar.

.... Applicants

VERSUS

1. The State of Maharashtra.
2. Sandhya W/o. Rakesh Sawale,
Age : 28 Years, Occu. : Service,
R/o. Supadu Appa Colony,
Near Sawata Mali School,
Old Dhule, Tq. & Dist. Dhule.

.... Respondents

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Advocate for Applicants : Mr. V.P. Raje
APP for Respondent No.1-State : Mr. A.R. Kale
Advocate for Respondent No.2 : Mr. S.A. Kulkarni
....

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

Dated : 03rd July 2025

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

1. Heard learned Advocate for both 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.105 of 2021, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Dhule, arising out of Crime bearing No.0376 of 2019, registered with Azad Nagar Police Station, Dist. Dhule, dated 17.12.2019, for the offences punishable under Sections 498-A, 420, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

3. After hearing both sides, when this Court expressed disinclination to grant any relief to applicant No.1/father-in-law and applicant No.2/mother-in-law, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant Nos.1 and 2. Therefore, this application is dismissed as withdrawn against applicant Nos.1 and 2.

4. Learned Advocate for the applicants pointed out the report dated 17.12.2019, in which respondent No.2/informant averred that applicant Nos.3 and 4 are her brothers-in-law, applicant No.5 is the maternal uncle of her husband, applicant No.6 is the husband of maternal aunt and applicant No.7 is the son of applicant No.6.

5. The informant further averred in her report that she married with the brother of applicant Nos.3 and 4 on 25.06.2019. In that marriage, as per the demand of in-laws, a ring of 5 grams, a Tongal of 5 grams, a chain of 1.5 tola and other household articles were given. After marriage, she came to know that her husband is not a practicing lawyer, he has not even completed his education of LL.B. and he is not having his own house. When she questioned him, he said that he is not an Advocate, they wanted a girl having job, he

performed the marriage only for the money and her parents did not give dowry as per their demand. Her husband used to abuse her. He told her to fetch Rs.2 Lakhs from her father. The applicants and her husband were taunting her.

6. The informant further averred in her report that after 10 days of the marriage, she went with her parents at Dhule and told that harassment caused by her in-laws. Her honorary uncle viz. Ramesh Mali made phone call to her father-in-law and asked why they cheated with her. Father-in-law gave evasive answers and said "do whatever you want to do". He also said that they will not give the gold ornaments. On 20.09.2019, a meeting was arranged at Dhule. The applicants and her husband were present in that meeting. They raised quarrel with her parents and abused them in filthy language.

7. The informant further averred in her report that on 11.11.2019, she made a complaint to the Women Grievance Redressal Cell, Dhule. However, the applicants, her husband and other co-accused did not turn there for compromise. Therefore, she lodged the report.

8. Learned Advocate for the applicants submitted that applicant Nos.3 to 7 are falsely implicated in the crime. General and

vague allegations are made against these applicants. Though the specific incidents of cruelty are stated by the informant in the report and by the witnesses in their statements, the fact of cruelty is not establishing from the entire charge-sheet against these applicants. No medical certificate is produced on record to prove the alleged beating. False allegations of cruelty are made against these applicants. The essential ingredients of offences punishable under Sections 498-A, 420, 504, 506 of the I.P.C. are not establishing against these applicants. If they are compelled to face the trial, it would certainly be an abuse of process of Court. It is lastly prayed to allow the application.

9. Learned APP for the State strongly opposed the application and submitted that there is strong evidence of cruelty against applicant Nos.3 to 7. Their names are mentioned in the F.I.R. These applicants treated the informant with cruelty by demanding Rs.2 Lakhs and caused physical and mental harassment. They compelled her to reside at her parents house. It is lastly prayed to reject the application.

10. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that applicant Nos.3

to 7 are involved in the crime of treating the informant with cruelty. The specific incidents are stated by the informant in the report that these applicants were treated the informant with cruelty by demanding Rs.2 Lakhs. The names of these applicants are mentioned in the F.I.R. There are statements of witnesses corroborating with the version of the informant. There is strong evidence against these applicants to proceed further with the trial. Therefore, the application deserves to be rejected as there is reliable evidence against these applicants to establish the requisites of offences punishable under Sections 498-A, 420, 504, 506 of the I.P.C. He prayed to reject the application.

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

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.*

12. We have perused the charge-sheet, particularly the report and statements of witnesses. The witnesses have stated similar facts as stated by the informant in the report. The allegation of demand of Rs.2 Lakhs is made against the husband of the informant. He is not a party to this application. There is no specific incident as to when applicant Nos.3 to 7 harassed the informant by demanding Rs.2 Lakhs. General and vague allegations of cruelty are made against these applicants. The essential ingredients of Sections 498-A, 420, 504, 506 of the I.P.C. to constitute the cruelty, etc. are not establishing from the charge-sheet against these applicants.

13. Considering all the aspects, above reasons and law laid down in the authorities cited supra, if applicant Nos.3 to 7 are compelled to face the trial, it would certainly be an abuse of process of Court. We are, therefore, inclined to exercise our powers under Section 482 of the Cr.P.C. to quash the report and charge-sheet in the interest of justice to prevent the abuse of process of Court against applicant Nos.3 to 7. The application deserves to be partly allowed. Hence, the following order.

ORDER

I) The application is partly allowed.

- II) The application is dismissed against applicant Nos.1 and 2 as withdrawn.
- II) The First Information Report and charge-sheet in R.C.C. No.105 of 2021, pending before the learned Judicial Magistrate First Class, Dhule, arising out of Crime bearing No.0376 of 2019, registered with Azad Nagar Police Station, Dist. Dhule, dated 17.12.2019, for the offences punishable under Sections 498-A, 420, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.3 to 7.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd