



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3443 OF 2022

1. Vishwas Uddhav Anantwad
Age : 52 Years, Occu. : Agri.,
2. Ganesh Uddhav Anantwad
Age : 49 Years, Occu. : Agri.
3. Shivraj Uddhav Anantwad,
Age : 41 Years, Occu. : Agri.
4. Seemabai Uddhav Anantwad
Age : 65 Years, Occu. : Agri.,
All R/o. Siddheshwar Chowk,
Vaishalinagar, Latur,
Tq. & Dist. Latur.

.... Applicants

VERSUS

1. The State of Maharashtra.
2. Priyanka W/o. Vishwas Anantwad,
Age : 33 Years, Occu. : Housewife,
R/o. Siddheshwar Chowk,
Vaishalinagar, Latur, Tq. & Dist. Latur.
At present R/o. Sankalpdham Society,
Dnyaneshwarnagar, Near L.I.C. Colony,
Latur, Tq. & Dist. Latur.

.... Respondents

....
Advocate for Applicants : Mr. Satej S. Jadhav
APP for Respondent No.1-State : Mr. A.R. Kale
Advocate for Respondent No.2 : Mr. Avinash M. Reddy

....

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

Dated : 07th March 2025

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

1. Heard the learned Advocate for both sides.
2. After hearing both the sides, when this Court expressed disinclination to grant any relief to applicant No.1/husband, learned Advocate for the applicants sought withdrawal of the application to the extent of this applicant. Therefore, the present application is dismissed as withdrawn against applicant No.1.
3. This is an application for quashing the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.1801 of 2022, pending before the learned Chief Judicial Magistrate, Latur, arising out of Crime bearing No.0371 of 2022, registered with Gandhi Chowk Police Station, Latur on 27.08.2022, for the offences punishable under Sections 377, 498-A, 504, 506 read with 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).
4. Learned Advocate for the applicants pointed out the report dated 27.08.2022, in which respondent No.2/informant averred that she married with applicant No.1 on 17.06.2009, who is son of applicant No.4. Applicant Nos.2 and 3 are sons of applicant No.4. The informant has begotten a girl child viz. Swarali.

5. Respondent No.2/informant further averred that, her marriage with applicant No.1 was a love marriage. She belongs to Dhor caste and the applicants belongs to Matang/Mang caste. They were neighbourers. A love affair between them was developed. Her husband/applicant No.1 is serving as a teacher in Zilla Parishad Kanya Shala, Shirur Anantpal. All the applicants were residing with her and her husband in the joint family. After her marriage, her parent completed her education upto M.A., B.Ed. Her husband was earlier serving in Gevrai District, Beed. He got transfer order from Beed to Latur in the year 2019. She was taken at Gevarai after five years of marriage. He used to keep the informant at Gevarai for fifteen days and thereafter, at Latur for 15 days in a month. Applicant No.1/husband used to quarrel with the informant by abusing her for trifling reasons. Applicant No.4/mother-in-law was saying that if her son's marriage would have been performed with another girl, the family would have got Rs.20 Lakhs as a dowry. She used to abuse her by saying that "Chhinal, Rand". Moreover, she used to taunt her frequently. She was demanding Rs.20 to 25 Lakhs for construction of house. When the informant refused to pay that amount, applicant No.1/husband abused her in filthy language.

6. Respondent No.2/informant further averred that, since last seven years, her husband has committed unnatural sexual intercourse with her by showing obscene videos to her through his mobile handset and forced upon her by saying that “if you want to live with me, you will have to do this”. Applicant Nos.2 and 3 were teasing her by saying that it is inter caste marriage. They were frequently abusing her. Applicant No.3 is serving in the police department, Police Station Gandhi Chowk, Latur. He was threatening her that nobody can do anything to him, and she can do anything as she wanted to do. The informant joined a private job in a private school as a teacher on temporary post in order to come out of all of those stressful circumstances. Applicant No.1/husband once came there all of a sudden. He called her out of the school. As she could not immediately come out of the class room, he said to her that with whom she slept (illicit relationship) and why there was delay. Thus, he doubted on her character. Therefore, on 17.01.2022, she came to her parents house to stay there.

7. Respondent No.2/informant further averred that on 09.08.2022, she along with her relatives went to the applicants’ house at Siddeshwar Chowk and tried to convince them. But, the applicants and her husband abused and refused to allow her to cohabit with her

husband. Applicant No.1/husband said that there is no need of you and your daughter. She was expelled from the house, therefore, she has lodged the report.

8. Learned Advocate for the applicants submitted that false allegations are made against the applicants and they are falsely implicated in the crime. The allegations are afterthought and report is lodged with ulterior motive to harass the applicants. He further submitted that the report is lodged in order to teach a lesson and take a revenge by using the criminal law as a tool. The informant has made false allegations of unnatural sexual intercourse. She has suppressed that her maternal uncle is high ranked police officer and therefore, the report is lodged against the applicants. The essential ingredients of Sections 377, 498-A, 504, 506 of I.P.C. are not establishing from the report and charge-sheet. Therefore, the report and charge-sheet deserves to be quashed in the interest of justice to prevent the 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 a strong evidence of cruelty against the applicants. Their names are mentioned in the F.I.R. The

applicants treated her with cruelty by making illegal demand of money, doubting on her character, abusing her and caused physical and mental cruelty and compelled her to reside at her parental house. There is strong evidence of cruelty against the applicants supported by natural evidence of witnesses. It is lastly prayed to reject the application.

10. 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 illegal demand of money, doubting on her character, abuse her in filthy language, etc. 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.

11. In the context of this case, it would be relevant to refer the decision of the Hon'ble Supreme Court in *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 under :-

“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....”

12. A reference can be made to the judgment in the case of **CBI vs. Aryan Singh, reported in 2023 SCC Online SC 379**, in which the Hon'ble Supreme Court held as under :-

“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.”

13. We have perused the report and charge-sheet, particularly statements of witnesses. The statements of witnesses are similar to that of the report. All those are relatives of the informant. Though the informant stated in her report that an amount of Rs.20 to 25 lakhs was demanded by applicant No.4 and her husband, it is not stated as to when exactly that amount was demanded. Except that, there are allegations that her husband used to abuse her in filthy language and he committed unnatural sexual intercourse with her.

14. The husband i.e. applicant No.1, against whom the allegations are made, has withdrawn the application.

15. In respect of the allegations of cruelty against applicant Nos.2 to 4 are concerned, the essential ingredients of Section 498-A of I.P.C. are not establishing against them. It is because, no specific date, time or place is stated by the informant in the report. The omnibus and vague allegations are made against these applicants. There is no reliable offence against the applicants to proceed further with the trial in respect of the offences punishable under Sections 377, 498-A, 504, 506 of I.P.C. In such a fact situation, if the applicants are compelled to face the trial, it would certainly be an abuse of process of court.

16. In case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported in 2025 SCC Online SC 17**, 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.

17. Thus, after considering the entire matter before this Court, law laid down in above cited cases, facts and circumstances and reasons stated above, we are, therefore, inclined to allow the application by invoking our inherent powers under Section 482 of the Code of Criminal Procedure, 1973, to prevent the abuse of the process of court in the interest of justice. The application deserves to be allowed. Hence, the following order.

ORDER

- I) The Application is dismissed as withdrawn as against applicant No.1.
- II) The application stands allowed to the extent of applicant Nos.2 to 4.
- III) The First Information Report vide C.R. No.0371 of 2022 registered with Gandhi Chowk Police Station, Latur on

27.08.2022 and charge-sheet in R.C.C. No.1801 of 2022, pending before the learned Chief Judicial Magistrate, Latur for the offences punishable under Sections 377, 498-A, 504, 506 read with 34 of the Indian Penal Code, 1860 stands quashed and set aside as against applicant Nos.2 to 4.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd