



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4028 OF 2024

1. Arvind S/o. Motilal Chavan,
Age : 66 Years, Occu. : Agri.,
R/o. Kirla, Tq. Mantha, Dist. Jalna.
2. Shantabai W/o. Arvind Chavan,
Age : 54 Years, Occu. : Household,
R/o. Kirla, Tq. Mantha, Dist. Jalna.
3. Deepmala W/o. Anil Chavan,
Age : 39 Years, Occu. : Household,
R/o. Kirla, Tq. Mantha, Dist. Jalna.
4. Anjana W/o. Krushna Rathod,
Age : 40 Years, Occu. : Household,
R/o. Kirla, Tq. Mantha, Dist. Jalna.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Shewali Police Station,
Tq. & Dist. Jalna.
2. Chanda W/o. Ashish Chavan,
Age : 40 Years, Occu. : Service,
R/o. Sun City Chaudhari Nagar,
Mantha Road, Jalna,
Tq. & Dist. Jalna.

.... Respondents

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Advocate for Applicants : Mr. Ajinkya A. Reddy
APP for Respondent No.1-State : Mr. V.K. Kotecha
....

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

Dated : 09th May 2025

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

1. Heard learned Advocate for the applicants as well as learned APP for the State.

2. This is an application for quashing of the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.100 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, Mantha, Dist. Jalna, arising out of Crime bearing No.0006 of 2024, registered at Shewali Police Station, Tq. & Dist. Jalna, dated 25.01.2024, 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 25.01.2024, in which respondent No.2/informant averred that applicant Nos.1 and 2 are her parents-in-law, applicant No.3 is her cousin mother-in-law and applicant No.4 is her sister-in-law.

4. The informant averred in her report that she married with the son of applicant Nos.1 and 2 on 14.05.2007. She is serving

as an Assistant Agricultural Officer at Jalna. After the marriage, she was treated well till the year 2010. She begot a son viz. Piyush. After the birth of son, her husband started to demand Rs.5 Lakhs for purchase of a vehicle. He was demanding her ATM card to get her salary. The applicants and her husband used to beat her and abuse her. Applicant Nos.3 and 4 were doubting her character. They were threatening to kill her. They were instigating and telling her husband to beat her. She told that harassment to her parents and brother. They were trying to convince the applicants and her husband, but there was no change in the attitude and conduct of the applicants and her husband.

5. The informant further averred in her report that prior to four year of lodging the report, the applicants and her husband beat her and expelled her from the house. She filed a complaint to the Women Grievance Redressal Cell, Jalna for comprise, but the applicants and her husband did not pay heed to her. Therefore, she lodged the report.

6. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. General and vague allegations are made against the applicants. Though some 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 the applicants. There is no injury certificate for proving the alleged beating. The false allegation of demand of Rs.5 Lakhs is made against the applicants. The essential ingredients of offences punishable under Sections 498-A, 323, 504, 506 of I.P.C. are not establishing against the applicants. If the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. It is lastly prayed to allow the application.

7. 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 the informant with cruelty by demanding money, abusing her, beating her, etc. Moreover, the applicants and husband of the informant expelled her from the house. Thereby, they caused physical and mental cruelty and compelled her to reside at her parents house. The specific incidents of cruelty are stated by the informant in the F.I.R. It is lastly prayed to reject the application.

8. 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.

9. We have perused the charge-sheet, particularly the report and statements of witnesses. The witnesses have stated similar facts as stated by the informant. There are allegations of demand of money of Rs.5 Lakhs against the husband of the informant. He is not a party to this proceeding. No specific incident is stated by the informant as to when the applicants came and gathered there at Jalna and demanded Rs.5 Lakhs to her. Applicant No.4 is married sister-in-law and she is residing with her husband. If the entire charge-sheet is considered together, it does not inspire confidence that the applicants treated the informant with cruelty. The essential ingredients of Sections 498-A, 323, 504, 506 read with Section 34 of the I.P.C. are not establishing against the applicants.

10. Considering all the aspects and law laid down in the authorities cited supra, if the applicants 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 the applicants. The application deserves to be allowed. Hence, the following order is passed.

ORDER

- I) The application stands allowed.
- II) The First Information Report and charge-sheet in R.C.C. No.100 of 2024, pending before the learned Judicial Magistrate First Class, Mantha, Dist. Jalna, arising out of Crime bearing No.0006 of 2024, registered at Shewali Police Station, Tq. & Dist. Jalna, dated 25.01.2024, 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