



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3407 OF 2023

1. Dattatraya Nandkumar Wakhure
Age 31 years, Occ. Business,
R/o. Plot No.93, Galli No.5,
New Hanuman Nagar,
Near Sudhakar Naik School,
Aurangabad (husband)
(withdrawn on 12.10.2023)
2. Nandkumar Murlidhar Wakhure
Age 52 years, Occ. Business,
R/o. As above
(Father in law)
3. Sunita w/o Nandkumar Wakhure
Age 47 years, Occ. Household,
R/o. As above
(Mother in law)
4. Akash Nandkishor Wakhure
Age 25 years, Occ. service,
R/o. As above
(Brother in law)
5. Sominath Murlidhar Wakhure
Age 52 years, Occ. Agriculture,
R/o. Plot No.77, Galli No.5,
New Hanuman Nagar,
Near Sudhakar Naik School,
Aurangabad
(cousin father in law)
6. Anita w/o Sominath Wakhure
Age 42 years, Occ. Household
R/o. As above
(cousin mother in law)
7. Shankar Murlidhar Wakhure
Age 52 years, Occ. Service
R/o. Plot No.11, House Ho. 4-34-10-77,
Galli No.06, New Hanuman Nagar

Aurangabad
(cousin father in law)

8. Usha Arun Talekar
Age 41 years, Occ. Household
R/o. Plot No.780, Galli No.4,
Near Sudhakar Naik Shool,
New Hanuman Nagar
Aurangabad
(aunt of husband) ...Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Pundliknagar Police Station
Aurangabad, Dist. Aurangabad
2. Meenakshi w/o Dattatraya Wakhure
Age 28 years, Occ. Household,
R/o. Galli No.5, New Hanuman Nagar
Aurangabad
at present New Hanuman Nagar
Galli No.2, Plot No.218,
Aurangabad ...Respondents

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Mr. Sanjay A. Wakure, Advocate for the applicants
Mrs. P.R. Bharaswadkar, A.P.P. for the respondent No.1
Ms. Minal S. Deshmukh h/f Mr. Suniket A. Kulkarni, advocate for
respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 23rd JUNE, 2025**

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of

Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing the criminal proceeding bearing R.C.C. No. 604 of 2023 pending before the Judicial Magistrate First Class, Aurangabad alongwith charge sheet No. 32 of 2023 arising out of the F.I.R. No. 403 of 2022 registered with Pundlik Nagar police station, Aurangabad, District Aurangabad for the offences punishable under Sections 498-A, 323, 504 r.w. 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”)

3. The informant averred in the report that applicant Nos 2 and 3 are her parents in law, applicant No.4 is brother in law, applicant Nos.5 and 6 are her cousin parents in laws, applicant No.7 is another cousin father in law and applicant No.8 is aunt of her husband. The application to the extent of applicant No.1-husband is already disposed of as withdrawn, by this Court vide order dated 12.10.2023.

4. The informant further averred in the report that she married with son of applicant Nos. 2 and 3 on 24.02.2016. In the said marriage, 10 tola gold ornaments, cash of Rs.10,00,000/-, utensils and furniture etc. were also given. The total expenses of marriage were Rs.30,00,000/-. After marriage, her husband, the applicant Nos.2, 3 and 4 used to say that she is not able to cook the food properly. She is also not able to do the household work properly.

They were abusing and harassing her mentally. Her father in law and husband were frequently demanding Rs.1,00,000/- for purchasing a house. Her father in law was abusing her on that count. Her husband beaten her by fist and kick blows. The other applicants i.e. cousin parents in law and applicant No.8 aunt of the husband of the informant are residing in the same area. They were frequently coming at her house. They were also taunting her that she is not able to do household chores properly. She is of no use and because of that her mother in law has to work. They were lowering her morale and mentally harassing her. They were instigating her husband to leave her and perform a second marriage. Therefore, her husband used to harass and beat her.

5. The informant further averred that when she conceived, her husband beat her and told that he will not bear the expenses for delivery. On 05.08.2018 she was beaten and sent back to her parent's house. She begotten a baby girl on 28.8.2018. For the first and second birth day of the daughter, nobody turned to visit her. Upon a compromise reached between her grand father Sadashiv Matre, grand mother, maternal uncle Tatyasaheb Matre and applicant Nos.2 and 3 at the house of the applicants, the informant went for cohabitation in the month of November, 2022. At that time, her in laws told her to live separately alongwith her husband. Therefore,

she along with her husband went to reside at a rental house near Vanjari Mangal Karyalaya, Aurangabad. There, her husband was beating and abusing her frequently. However, she neglected that cruelty but had informed about the same to her parents. They convinced her.

6. The informant further averred that on 20.4.2022 her husband beat and abused her because she brought some toys for her daughter. When she told about the same to her parents and called them, they came there and at that time the applicants who were called by her husband were also present there. The applicants and husband beat her parents. As her husband beat the informant on her ear, she is not able to listen properly due to an ear injury. She had taken the treatment for the same. Thereafter, she lodged report on the next day on 21.04.2022.

7. Learned advocate for the applicants submitted that though the names of the applicants are mentioned in the F.I.R., there are no specific allegations against them and whatever the allegations are made, they are vague and baseless, that too without quoting the specific role of each of the applicants. Further, the date and time of alleged demand of Rs.1,00,000/- for purchase of house is also not specifically mentioned. The report is not lodged immediately after the

alleged incident of abusing and beating and thus there is a delay in lodging the report. From the charge sheet, it appears that all the witnesses whose statements are recorded, are from the parental side of the informant. The said statements of the witnesses cannot prove that the harassment and cruelty has been caused to the informant. All these applicants are close relatives of the husband of the informant and only in order to implicate the entire family and the relatives, the report has been lodged falsely. He further submits that the applicants have been implicated in the crime without any basis. Therefore, he prayed to quash the report as well as the consequential proceedings.

8. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. There was a consistent demand of money from the applicants for purchase of house and on account of non fulfillment of the said demand, the applicants have treated the informant with cruelty. The applicants and other accused persons have caused harassment to the informant mentally as well as physically. The names of the applicants are specifically mentioned in the report. The specific roles are attributed to each of the applicants by mentioning their names. They cannot be exonerated

from the criminal liability.

9. It would be relevant to refer to the judgment of the Hon'ble Supreme court in the case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors.**, reported in **2025 SCC Online SC 17**, in which 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.*

*11. In the contextual situation, it is also relevant to refer to the decision of this Court in **Mohammad Wajid and Another v. State of U.P. and Anr.**, whereunder this Court, in so far as it is relevant, held thus :-*

"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 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 materials collected in the course of investigation.....”

10. We have perused the charge sheet, particularly the report and the statements of witnesses. It appears that, the statements of witnesses are similar to that of the report. As per the informant's case, the compromise took place in the month of November, 2020 and therefore, she started to reside separately. The last incident of beating and abusing her took place on 20.4.2022. In that incident, she alleged to have been assaulted and beaten by her husband. However, he has withdrawn his application. All allegations made against these applicants are general in nature. No specific incident is stated as to when exactly and in what manner the applicants have treated her with cruelty. If all these aspects are considered together, it does not establish essential ingredients of cruelty as defined under Section 498-A, 323, 504 r.w. 34 of the I.P.C. Thus, on such vague and general allegations, compelling the applicants to face the trial, would be an abuse of process of the court. The case is made out for exercise of our discretionary powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice to prevent the abuse of process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The R.C.C. No. 604 of 2023 pending before the Judicial Magistrate First Class, Aurangabad alongwith charge sheet No. 32 of 2023 arising out of the F.I.R. No. 403 of 2022 registered with Pundlik Nagar police station, Aurangabad, District Aurangabad, for the offences punishable under Sections 498-A, 323, 504 r.w. 34 of the I.P.C. are quashed and set aside to the extent of applicant Nos. 2 to 8 herein.

(SANJAY A. DESHMUKH, J.)**(SMT. VIBHA KANKANWADI, J.)**

rlj/