



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3961 OF 2022

1. Pravin S/o. Gopichand Edake,
Age : 40 Years, Occu. : Service,
R/o. Amalner, Dist. Ahmednagar.
2. Surekha W/o. Gopichand Edake,
Age : 62 Years, Occu. : Household,
R/o. Pasaydan Building,
Sonai, Rahuri Road, Tq. Newasa,
Dist. Ahmednagar.
3. Gopichand S/o. Vishwanath Edake,
Age : 72 Years, Occu. : Retired,
R/o. Pasayadan Building,
Sonai, Rahuri Road, Tq. Newasa,
Dist. Ahmednagar.
4. Amol S/o. Gopichand Edake,
Age : 41 Years, Occu. : Service,
R/o. Near Tehsil Office, Ward No.1,
Shrirampur, Dist. Ahmednagar.
5. Babasaheb S/o. Mohiniraj Bhagat,
Age : 72 Years, Occu. : Agriculture,
R/o. Salabatpur, Tq. Newasa,
Dist. Ahmednagar.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Yusuf Wadgaon Police Station,
Tq. Kaij, Dist. Beed.
2. Anita D/o. Pandurang Raut,
Age : 30 Years, Occu. : Nil,
R/o. Yusuf Wadgaon, Tq. Kaij,
Dist. Beed.

.... Respondents

....
Advocate for Applicants : Mr. C.V. Dharurkar
APP for Respondent No.1-State : Mr. V.K. Kotecha
Advocate for Respondent No.2 : Mr. A.B. Jagtap
....

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

Dated : 07th 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.135 of 2022, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Kaij, Dist. Beed, arising out of Crime bearing No.0061 of 2022, registered with Yusuf Wadgaon Police Station, Dist. Beed, dated 28.04.2022, for the offences punishable under Sections 498-A, 323, 504 and 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 28.04.2022, in which respondent No.2/informant

averred that applicant No.1 is her husband, applicant No.2 is her mother-in-law, applicant No.3 is her father-in-law, applicant No.4 is her brother-in-law and applicant No.5 is the maternal uncle of applicant No.1.

4. The informant further averred in her report that, she married with applicant No.1 on 10.07.2018. After the marriage, she was treated well for two months. Thereafter, the applicants started to harassing her on trivial reasons. They told her that her husband was already married, he has two daughters, he got divorce from his first wife and the same thing will have to be done to her. She begot a daughter on 20.10.2020 viz. Pranita, from her husband through test tube procedure. After delivery of that girl child, the applicants started to harassing her mentally and physically by saying that she is an inauspicious woman. Thereafter, the applicants demanded 22 tolas of gold ornaments. They threatened her that if she is fetching that gold ornaments, then only they will allow her to cohabit. They took out her *Mangalsutra* and entire ornaments on her persons and started to abuse and beat her. They also threatened that they will eliminate her.

5. The informant further averred in her report that she informed the incident of demand of gold ornaments to her parents.

On 23.01.2021, her father Pandurang Raut, brother Vijaykumar Raut, cousins Arun Raut and Shivdas Thalkari came to village Sonai and requested the applicants to treat her properly. They stated that they were unable to provide 22 tolas of gold and they will provide some gold. However, the applicants abused them and said that unless they are giving 22 tolas of gold ornaments, they would not allow her to cohabit. The applicants said to her that unless she fetched that gold ornaments from her parents, she should not return to their house. They drove her and her parents out of the house.

6. The informant further averred in her report that she tried to contact her husband by making phone calls, but he refused to cohabit with her. On 01.02.2022, she made a complaint to the Women Grievance Redressal Cell, Kaij, Dist. Beed. The applicants were called there to remain present, but they remained absent. Therefore, she lodged the report.

7. Learned Advocate for the applicants submitted that the applicants have been falsely implicated in the crime. General and vague allegations are made against the 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 the applicants. No medical certificate is produced on record to prove the alleged beating. False allegations of demanding of gold ornaments are made against the applicants. The essential ingredients of offences punishable under Sections 498-A, 323, 504 and 506 of the I.P.C. are not established against the applicants. If they are compelled to face the trial, it would certainly be an abuse of the process of the Court. It is lastly prayed to allow the application.

8. Learned APP for the State strongly opposed the application and submitted that there is 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 gold ornaments and causing physical and mental cruelty and compelled her to reside at her parents house. It is lastly prayed to reject the application.

9. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that the applicants 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 treated the informant with cruelty by demanding told

ornaments. 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 the 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, 323, 504 and 506 of the I.P.C. He prayed to reject the application.

10. 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.*

11. 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. General and vague allegations are made against the applicants. No specific incident of

cruelty on the part of the applicants is stated by the informant. The role of each of the applicant is not specifically stated either in the report or the statements of witnesses. The incident dated 23.01.2021 that her parents went to the house of applicant No.1 to convince the applicants is not supported by reliable material. The essential ingredients of Sections 498-A, 323, 504 and 506 of the I.P.C. to constitute the cruelty, etc. are not established against the applicants from the charge-sheet.

12. Considering all the aspects, above reasons 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 the process of the 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 the process of the Court against the applicants. The application deserves to be allowed. Hence, the following order.

ORDER

- I) The application stands allowed.
- II) The First Information Report and charge-sheet in R.C.C. No.135 of 2022, pending before the learned Judicial Magistrate First Class, Kaij, Dist. Beed, arising out of

Crime bearing No.0061 of 2022, registered with Yusuf Wadgaon Police Station, Dist. Beed, dated 28.04.2022, 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

asd