



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4527 OF 2024

1. Nivrutti s/o Narayan Kadam,
Age 61 years, Occ. Labour,
(father in law)
2. Anjanbai w/o Nivrutti Kadam,
Age 53 years, Occ. Household
(mother in law)

Both R/o. Pandurang Nagar
Jintur Road, Parbhani
Tq. And district Parbhani
3. Meera w/o Prakash Kamble
Age 37 years, Occ. Household
R/o. House No. 104, Building No.14,
Paithan Road, Mhada Colony,
Nakshtrawadi, Chh Sambhajinagar
Tq. and Dist Chh. Sambhajinagar
(sister in law)
4. Prakash s/o Shivaji Kamble
Age 37 years, Occ. Service
R/o. House No. 104, Building No.14,
Paithan Road, Mhada Colony,
Nakshtrawadi, Chh Sambhajinagar
Tq. and Dist Chh. Sambhajinagar
(husband of sister in law)
5. Rekha w/o Shriniwas Kale
Ag 31 years, Occ. Household
R/o. At post Digras
Tq. and Disrict Parbhani
(sister in law)
6. Sadhana w/o Amol Shelke
Age 28 years, Occ. Household
R/o. Mukundwadi, Chh. Sambhajinagar
Tq. & Dist. Chh. Sambhajinagar
(sister in law)

...Applicants

Versus

1. The State of Maharashtra
Through police Inspector
Police Station Sengaon
Tq. Sengaon, District Hingoli
2. Swati w/o Ravi Kadam,
Age 21 years, Occ. Household
R/o. At present C/o. Narayan
Suryabhan Kamble
Limbala Tanda, Tq. Sengaon
District Hingoli

...Respondents

.....
Mr. S. S. Jangada, Advocate for the applicants
Ms. Rashmi P. Gour, A.P.P. for the respondent No.1
Mr. Moin Pasha Shaikh Farid h/f A. L. Kanade, Advocate for
respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 10th JULY, 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 of First Information Report (for short the "F.I.R.") No. 325 of 2024 registered with Sengaon police Station, Tq. Sengaon, District Hingoli, for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.") and the consequential criminal proceeding bearing R.C.C. No. 2 of 2025

pending before the Judicial Magistrate, First Class, Sengaon, District Hingoli.

3. After hearing for some time, when this court showed disinclination to grant relief to applicant Nos.1 and 2, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant Nos.1 and 2. Leave granted. The application to the extent of applicant Nos.1 and 2 stands dismissed as withdrawn.

4. The informant averred in the report that applicant Nos. 3, 5 and 6 are her married sisters in law whereas applicant No.4 is husband of applicant No.3.

5. The informant averred in the report that she married with the brother of applicant Nos. 3, 5 and 6 on 20.6.2021. She begot a daughter Rinku. Her husband is serving in the Maharashtra Security Force at Mumbai. After the marriage, she started to reside in her matrimonial home with her parents-in-law. Her husband used to come from Mumbai intermittently on leave. The applicants and other accused persons treated her with cruelty on trivial reasons. When she used to convince them, the applicants and other accused were making phone calls to her husband and informing him that she is not

doing the house chores properly and used to sleep. When her husband used to come at Parbhani, he used to beat her and ill-treat her physically as well as mentally. The applicants sisters in law were coming to Parbhani frequently and were misleading other accused that the informant is not able to work properly. Therefore, she informed about the said cruelty to her parents and she went to her parental house.

6. The informant further averred that on 13.05.2024 she was at her parental house at Nimbala Tanda, her parents in law came there for compromise in the matter. They threatened and abused her and told her to do whatever she wants. Thereafter, the informant made complaint to the Women's Grievance Redressal Cell, Hingoli. However, the matter could not be settled there and therefore, she lodged the report on 09.08.2024.

7. Learned advocate for the applicants submitted that the applicants are in no way concerned with the allegations made by the informant. The applicant Nos. 3, 5 and 6 are married sisters in law of the informant whereas the applicant No.4 is husband of applicant No.3. All the applicants are residing at different places. There are vague and baseless allegations made against the applicants, without quoting the specific role of these applicants. The date and

time of allegation of abuses, beating at the instance of the present applicants is also not attributed. All allegations are vague and general in nature. 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 at the hands of the applicants. These applicants are close relatives of the husband of the informant and therefore, they have been falsely implicated in the crime without any basis. Therefore, he prayed to quash the 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. Further on the say of the present applicants, the husband of the informant used to beat her and demand an amount of Rs.2,00,000/- for purchase of a four wheeler. On account of non fulfillment of the said demand, the applicants have treated the informant with cruelty. Though the applicants are residing at different places, they frequently used to visit the house of the in laws of the informant and instigate the co-accused to harass the informant. The specific role by mentioning their names are attributed to the applicants. The

applicants cannot be exonerated from the criminal liability under Sections 498-A, 323, 504 and 506 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

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. The witnesses have stated similar facts as have been stated by the informant. No specific incident is stated as to when the applicants caused cruelty to the informant as stated by the informant in her report. The allegations of demand of Rs.2,00,000/- are not made against the present applicants. Admittedly, applicant Nos. 3, 5 and 6 are married sisters in law of the informant and applicant No.4 is husband of applicant No.3 and they are residing at their respective residences i.e. at Chhatrapati Sambhajinagar and Digras. On the basis of general and vague allegations of cruelty made against the applicants, essential ingredients of Sections 498-A, 323, 504 and 506 r/w 34 of the I.P.C. are not establishing against the applicants. There is no medical evidence of injuries caused to the informant due to the alleged beating so as to establish essential ingredients of Section 323 of the I.P.C. against these applicants. Therefore, on such vague and general allegations, compelling the applicants to face the trial, would be an abuse of the process of the court. The case is made out for

exercise of our powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice and to prevent the abuse of the process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The F.I.R. No. 325 of 2024 registered with Sengaon police Station, Tq. Sengaon, District Hingoli, for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. and the consequential criminal proceeding bearing R.C.C. No. 2 of 2025 pending before the Judicial Magistrate, First Class, Sengaon, District Hingoli are quashed and set aside to the extent of applicant Nos.3 to 6.

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

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