



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3839 OF 2023

1. Kamalbai W/o. Radhakrushna Mhaske,
Age : 62 Years, Occu. : Housewife,
R/o. Plot No.157, Ram Krupa Colony,
Mhada Darga Road, Usmanpura,
Aurangabad.
2. Asha D/o. Radhakrushna Mhaske,
Age : 43 Years, Occu. : Service,
R/o. B-2, Balkum, Thane (Mumbai).
3. Neeta W/o. Virendra Sonwane,
Age : 37 Years, Occu. : Housewife,
R/o. B2-303, Renuka Aakruti Apartment,
Datt Mandir Road, Wakad,
Hinjewadi, Pune.
4. Virendra S/o. Prakash Sonwane,
Age : 38 Years, Occu. : Service,
R/o. B2-303, Renuka Aakruti Apartment,
Datt Mandir Road, Wakad,
Hinjewadi, Pune.
5. Poonam W/o. Nitin Zanwar,
Age : 42 Years, Occu. : Housewife,
R/o. Flat No.A-8, Z-Galaxy,
Shahanoorwadi, Aurangabad.

.... Applicants

VERSUS

1. The State of Maharashtra.
2. Monika W/o. Nitin Mhaske,
Age : 24 Years, Occu. : Housewife,
R/o. Ramnagar Vinkar Colony,
Jalna.

.... Respondents

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Advocate for Applicants : Mr. Rahul P. Mote
APP for Respondent No.1-State : Mr. A.D. Wange
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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 23rd June 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 the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.713 of 2023, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Jalna, arising out of Crime bearing No.0537 of 2023, registered with Sadar Bazar Police Station, Dist. Jalna, dated 24.06.2023, 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. After hearing both the sides, when this Court expressed disinclination to grant any relief to applicant No.1/mother-in-law, learned Advocate for the applicants sought withdrawal of the

application to the extent of applicant No.1. Therefore, this application is dismissed as withdrawn against applicant No.1.

4. Learned Advocate for the applicants pointed out the report dated 24.06.2023, in which respondent No.2/informant averred that applicant Nos.2 and 3 are her sisters-in-law, applicant No.4 is the husband of applicant No.3 and applicant No.5 is the family friend of the applicants.

5. The informant further averred in her report that she married with the brother of applicant Nos.2 and 3 on 24.04.2022. After her marriage, she was treated well for one month. Her husband demanded Rs.40,000/- for installing an air conditioner in the bedroom. He threatened her to go back to her parents house and said to her that he has no need of her and he is having love affair with applicant No.5. Applicant No.5 was coming to their house frequently. Applicant No.5, once, said to her that "you leave your husband". She convinced her not to cause damage to her matrimonial life, but she was not ready to listen. She abused her.

6. The informant further averred in her report that her husband and mother-in-law abused her, slapped her and beat her by fist blows. Applicant Nos.2 and 3 were frequently coming to their

house and abusing her. They were saying her not to stay with them and threatening to kill her. She was bearing that cruelty. On 05.06.2023, at about 07.00 a.m., her husband, mother-in-law and the applicants drove her out of the house. Her father tried to convince her, but they did not pay heed to him. Therefore, she lodged the report.

7. Learned Advocate for the applicants submitted that applicant Nos.2 to 5 are falsely implicated in the crime. General and vague allegations are made against these 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 these applicants. No medical certificate is produced on record to prove the alleged beating at the hands of applicants. False allegations of cruelty are made against these applicants. The essential ingredients of offences punishable under Sections 498-A, 323, 504, 506 of the I.P.C. are not establishing against these applicants. If they are compelled to face the trial, it would certainly be an abuse of process of 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 applicant Nos.2 to 5. Their names are mentioned in the F.I.R. These applicants treated the informant with cruelty and caused physical and mental cruelty and compelled her to reside at her parents house. It is lastly prayed to reject the application.

9. 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.

10. 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. Admittedly, applicant Nos.2 and 3 are married and residing with their husbands at Thane and Pune, respectively. Applicant No.4 is the husband of applicant No.3, who is residing at Pune. Their specific role with specific incident is not stated by the informant in her report as to how they treated her with cruelty.

11. As far as applicant No.5 is concerned, she cannot be prosecuted as she is not a relative of the husband of the informant. The Hon'ble Supreme Court, in case of ***U. Suvetha Vs. State by Inspector of Police, [(2009) 6 SCC 757]***, while considering the point whether the term "relative of a husband of a woman" within the meaning of Section 498-A of the Indian Penal Code should be given an extended meaning, held as follows:-

"18. By no stretch of imagination a girl friend or even a concubine in an etymological sense would be a 'relative'. The word 'relative' brings within its purview a status. Such a status must be conferred either by blood or marriage or adoption. If no marriage has taken place, the question of one being relative of another would not arise."

12. Applicant No.5 is not the relative of husband of the informant. Therefore, as per law laid down in **U. Suvetha (Supra)**, she cannot be compelled to face the trial under Section 498-A of the I.P.C. Considering all the aspects, above reasons and law laid down in above cited cases, if applicant Nos.2 to 5 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 applicant Nos.2 to 5. 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.713 of 2023, pending before the learned Judicial Magistrate First Class, Jalna, arising out of Crime bearing No.0537 of 2023, registered with Sadar Bazar Police Station, Dist. Jalna, dated 24.06.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.2 to 5.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd