



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 4260 OF 2022

1. Jayram Sonu Pawar (Father in law)
Age:- 65 years, Occ: Nil
2. Prabhavati Jayram Pawar (Mother in law)
Age:- 50 years, Occ: Household,
3. Hemant Jayram Pawar, (Brother in law)
Age:-34 years, Occ: Doctor
Applicants No. 1 to 3 are
R/o: Dalwat, Tq. Kalwan, Dist. Nashik.
4. Devyani Anil Bhoje, (Sister in law)
Age:- 37 years, Occ:Household,
R/o: Masrul, Nashik,
Tq. Nashik, Dist. Nashik.

... Applicants
(Orig. accused No. 2 to 5).

Versus

1. The State of Maharashtra,
Through the Police Officer,
Nandurbar City Police Station,
Tq. & Dist. Nandurbar.
2. XYZ.

... Respondents
(Res. No. 2 is Origi. complainant)

...

Mr. Gautam J. Pahilwan, Advocate for Applicants.
Smt. R. P. Gour, APP for Respondent No.1 / State.
Mr. Mukulanand R. Wagh, Advocate for Respondent No.2.

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

DATE : 17th March, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

. Heard the learned advocates for the respective parties.

2 This is an application under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing the proceedings bearing Sessions Case No.26 of 2023, pending in the Court of the learned Sessions Court At Nandurbar, for the offences punishable under Section 498-A, 420, 376, 377, 354, 323, 504 and 506 read with 34 of the Indian Penal Code (for short “the IPC”) and under Section 67 of the Information Technology Act, 2000, arising out of FIR bearing C.R. No.593 of 2022, dated 15th September, 2022, registered with Nandurbar City Police Station, District Nandurbar, for the offences punishable under Section 498-A, 420, 376, 377, 323, 504 and 506 read with 34 of the IPC and under Section 67 of the Information Technology Act, 2000.

3 Applicant No.1 is the father-in-law, applicant No.2 is the mother-in-law, applicant No.3 is the brother-in-law and applicant No.4 is the sister-in-law of the informant / respondent No.2.

4 The informant averred in the report that her marriage was performed with the son of applicant Nos.1 and 2 on 6th May, 2013.

After the marriage, she conceived immediately. Therefore, doubt was created in the mind of her husband and the applicants. They started mentally and physically harassing her, accusing her of being pregnant before marriage. At that time, she came to know that her husband was heavily indebted. He had demanded Rs.3,00,000/- to the father of informant for satisfying that debt, which was paid. Despite the fact that there was no mobile network inside the house in Dalwat, her husband was doubting that the informant was talking to someone over the phone or chatting on the internet. Her husband was addicted to liquor and used to beat her. Applicant No.4 used to abuse the informant on phone and instigated applicant No.2 against the informant.

5 Applicant No.2 (mother-in-law) was also doubting the character of informant. When the informant gave birth to a daughter, she took a quarrel with her. The informant and her husband started to reside at Kanashi, District Nashik. They resided there for about four years. During that time, her husband took loans and became heavily indebted. Thereafter, they left that place and started to reside at Abhona. During that period, her husband started doubting her character and used to quarrel with her over financial matters. Due to lack of money for household expenses, the informant joined the services at Surgana, Taluka Nashik. In July 2017, a quarrel took place

between the informant and her husband. Therefore, the informant went to Surgana. The husband was addicted to liquor and doubting her character. Therefore, quarrel used to take place between them. Her husband was frequently demanding money to her. On 19th March, 2020, under the influence of liquor, her husband doubted her character and beaten her. On 21st March, 2020, again she was beaten by her husband and therefore, she lodged a report at the Surgana Police Station. After that, she left her two children at her parental home and resumed the duty.

6 On 3rd June, 2020, while she was on duty, her husband came to her workplace and took a quarrel with her. He pulled her hair and beaten her. He then dragged her from her clinic towards the room where she was staying. On the way, he tore her clothes and kept beating her. Therefore, she came back to her parental home on that night, and since then, she is residing there.

7 On 26th June, 2020, when she went with her family members to collect her belongings, her husband again quarreled with her. He abused and assaulted both informant and her relatives.

8 The informant further averred that when she was residing at Abhona, under the influence of liquor, her husband took loans from businessmen. He purchased the vehicles like car, tractor and thresher.

That time, her husband constantly pressurized her to bring Rs.10,00,000/- from her parental home to repay his business debts and used to assault. He threatened the informant that he would commit suicide. He took loans in the name of informant of Rs.9,50,000/- and Rs.3,00,000/-, respectively from Bajaj and HDFC Bank and another Rs.2,00,000/- loan from Namka Bank, which remain unpaid. He also borrowed Rs.30,00,000/- from her father. In 2016, he got blank signed cheque from the father of informant and duped him for Rs.10,00,000/-.

9 The informant further averred that her husband without considering her mental state, used to watch obscene videos on his mobile and forcibly engaged in physical and unnatural relations with her against her will. When she tried to resist the same, he doubted her character. He even threatened to kill her. Her husband used to ill-treat her by sending obscene messages to the persons serving with her. He used to call the informant and her sister and other relatives frequently at the night time. He used to send vulgar messages on WhatsApp and text to her, her sisters, and female relatives and also used to call them and abuse them.

10 The informant's gold ornaments were taken by her husband without her consent and mortgaged it at Kalwan. The

husband of the informant and the applicants were treating the informant with cruelty by beating her. They took her to Bhagat Baba. Her husband demanded Rs.10,00,000/-. Therefore, she made a complaint to the Women's Grievance Redressal Cell, Nandurbar, but it went in vain. Therefore, she lodged the report against her husband and the applicants.

11 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. The vague and omnibus allegations are made against the applicants, which are not establishing the essential ingredients of Sections 498-A, 420, 376, 377, 354, 323, 504 and 506 of the IPC and Section 67 of the Information Technology Act, 2000. No specific incident is stated as to when the applicants treated the informant with cruelty by demanding money, abusing and beating her. The informant was residing with her husband at Kanashi, Abhona and Surgana. The applicants are residents of different place. Applicant Nos.1 to 3 are residents of Dalwat, Taluka Kalwan, District Nashik and applicant No.4 is resident of Masrul, Taluka and District Nashik. There is no evidence against the applicants to proceed with the trial. He submitted that if the applicants are directed to face the trial, in such situation, they will certainly suffer. He lastly prayed to allow the application.

12 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. They have committed anti-social crime. They demanded money to the informant. She lastly prayed to reject the application.

13 The learned counsel for the informant / respondent No.2 also strongly opposed the application and submitted that the names of the applicants mentioned in the report. They suspected her character. He lastly prayed to reject the application.

14 Here, it is relevant to refer to the decision of the Honourable Supreme Court in ***Mohammad Wajid and Another Vs. State of U.P. and Another***, reported in, ***2023 SCC Online SC 951; 2023 INSC 683***, whereunder the Honourable Supreme Court 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 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....”

15 A reference also can be made to the judgment in the case of **CBI vs. Aryan Singh**, reported in, **2023 SCC Online SC 379**, in which the Honourable Supreme Court held that as under:-

“Para 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 Cr. P.C., the Court is not required to conduct the mini trial.”

16 We have perused the report and the charge-sheet, particularly, the statements of witnesses and the messages sent by husband of the informant to the informant and her relatives.

17 The allegations of treating the informant with cruelty by demanding and extracting money, beating her and doubting her character are made mainly against her husband. The sister of informant Shital has stated in her statement that her modesty was outraged by the husband of informant by making phone calls, by

abusing her in filthy language and threatening to kill her. The husband of informant is not party to this application.

18 The allegations against the applicants are restricted to Sections 498-A, 323, 504 and 506 of IPC. The informant and witnesses have not stated any specific incident as to when all these applicants met with the informant and demanded Rs.10,00,000/-, beaten her and took her to Bhagat Baba. The documentary evidence of amount paid by the father of informant is not collected by the Investigating Officer. After considering the entire charge-sheet, we do not find reliable evidence against the applicants to establish the alleged cruelty on the part of the applicants on account of demand of money etc. The essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC and Section 67 of the Information Technology Act, 2000, are not establishing against all these applicants from entire charge-sheet. If all these aspects are considered together, then we are of the view that compelling the applicants to face the trial would certainly be an abuse of the process of Court. We are therefore, inclined to allow the application by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice to prevent the abuse of process of Court. The application, therefore, deserves to be allowed. Hence, the following order:-

ORDER

- I. The applications is allowed.
- II. The proceedings bearing Sessions Case No.26 of 2023, pending in the Court of the learned Sessions Court At Nandurbar, for the offences punishable under Section 498-A, 420, 376, 377, 354, 323, 504 and 506 read with 34 of the Indian Penal Code and under Section 67 of the Information Technology Act, 2000, arising out of FIR bearing C.R. No.593 of 2022, dated 15th September, 2022, registered with Nandurbar City Police Station, District Nandurbar, for the offences punishable under Section 498-A, 420, 376, 377, 323, 504 and 506 read with 34 of the IPC and under Section 67 of the Information Technology Act, 2000, stands quashed and set aside as against all the applicants.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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