



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4209 OF 2023

1. Indumati w/o Laxman Shinde
(Mother-in-law)
Age 65 years, Occ. Household
 2. Laxman s/o Rambhau Shinde
(Father-in-law)
Age 73 years, Occ. Agri.
 3. Mahendra s/o Laxman Shinde
(Brother-in-law)
Age 42 years, Occ. Agri.
 4. Ravindra s/o Laxman Shinde
(Brother-in-law)
Age 40 years, Occ. Agri.
 5. Gurunath s/o Laxman Shinde
(Brother-in-law)
Age 38 years, Occ. Agri.
All R/o. Kolhere Road, Gevrai
Tq. Gevrai, district Beed
- ...Applicants

Versus

1. The State of Maharashtra
Through Police Inspector
Bhokardan Police Station,
Tq. Bhokardan, District Jalna
 2. Prayagbai w/o Shailendra Shinde
Age 45 years, Occ. Household
R/o. Kolhere Rod, Gevrai,
Tq. Gevrai, district Beed
At present R/o. Dehad,
Tq. Bhokardan, district Jalna
- ...Respondents

.....
Mr. Rahul M. Jade, advocate for the applicants
Mrs. P.R. Bharaswadkar, A.P.P. for respondent No.1
Mr. Rajendra Chavan, advocate for respondent No.2
.....

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

DATED : 10th MARCH, 2025

PER COURT :-

1. By this application, filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the first information report (for short "F.I.R.") vide C.R. No. 332 of 2023 dated 14.6.2023 for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. registered with Bhokardan police station, District Jalna as well as the R.C.C. No. 273 of 2023 pending before the Judicial Magistrate First Class, Bhokardan, District Jalna.

2. The informant is daughter-in-law of the applicant Nos.1 and 2 and applicant Nos. 3, 4 and 5 are the sons of the applicant Nos. 1 and 2.

3. The informant - respondent No.2 averred in the F.I.R. that she married with Shialendra Laxman Shinde, the son of applicant Nos.1 and 2, on 11.4.2003. Out of the said wedlock, the couple is blessed with a daughter, who was 18 years old at the time of lodging of F.I.R. For about 2/3 years, the informant was treated well. Her husband was serving in Tata Institute of Social Sciences, Mumbai.

All the applicants were residing under one roof. The informant was insisting her husband to take her to Mumbai but he refused. Since 2006, he stopped talking with her. The applicant Nos. 1 and 2 took disadvantage of it. They used to say that the informant is inauspicious woman and she spoiled the marital life of their son. Whenever her husband used to come from Mumbai, he used to beat her on one or the other reason. He used to demand Rs.5,00,000/- and threatened that if she did not bring that amount, he will give divorce to her. The applicants and her husband treated her with cruelty. The informant and her daughter are residing with her parents. When she came to know about filing of the divorce petition by her husband, she lodged the F.I.R..

4. Learned A.P.P. for respondent No.1 - State strongly opposed the application by submitting that the present applicants as well as the husband of the informant have treated the informant with cruelty, physically as well as mentally. They demanded of Rs.5,00,000/- to the informant. The names of the applicants are mentioned in the F.I.R.. The specific roles are attributed to each of the applicants. To prove the offences for which they are booked it is necessary to conduct a full-fledged trial. It is lastly prayed to reject the application.

5. Learned advocate for respondent No.2-informant submits that the names of the applicants are mentioned in the F.I.R. with specific role attributed to them in respect of demand of Rs.5,00,000/- and on account of non fulfillment of that demand and that the applicants treated the informant with cruelty. The applicants and the husband of the informant have caused harassment to the informant by saying her that she is inauspicious woman. The applicants have treated the informant with cruelty, which constitute the offences referred in the F.I.R. Learned advocate therefore, prayed to reject the application.

6. 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.....”

7. We have perused the F.I.R. and the charge sheet particularly the statements of witnesses. The brothers of the informant have stated the fact as alleged by the informant in her F.I.R.. The allegations are mainly made against the husband of the informant and applicant Nos. 1 and 2, who are in-laws of the informant. They were not treating her properly. They were saying that she was inauspicious and they were instigating the husband of the informant to harass her. Applicant Nos. 1 and 2 demanded Rs.5,00,000/- to the informant. Thus, there is concrete material against applicant Nos. 1 and 2 as well as husband of the informant about the causing cruelty and harassment on account of non fulfillment of demand of money of Rs.5,00,000/-. However, on perusal of the F.I.R. and the statements of witnesses, it appears that there is

no whisper of causing of cruelty against applicant Nos. 3 to 5, who are brothers-in-law of the informant.

8. Considering the F.I.R. and the charge sheet, we find no evidence of cruelty against applicant Nos. 3 to 5. "The essential ingredients of Section 498-A of I.P.C. are lacking as held by the Hon'ble Supreme Court in the cases of ***Kahkashan Kausar @ Sonam vs. The State of Bihar, reported in (2022) 6 SCC 599, Mamidi Anil Kumar Reddy vs. The State of Andhra Pradesh and Anr, reported in (2024) SCC Online 127*** and ***Abhishek vs. The State of Madhya Pradesh, reported in (2023) AIR SC 4209***, that the prosecution against the applicants needs to be quashed." Therefore, it would certainly be an abuse of process of court if applicant Nos. 3 to 5 are compelled to face the trial. We are therefore, inclined to allow the application partly to the extent of applicant Nos. 3 to 5 by exercising our powers under Section 482 of Cr.P.C. in the interest of justice to prevent the abuse of process of the Court. For the reasons stated above, the application of applicant Nos. 1 and 2 cannot be allowed. The application therefore, deserves to be partly allowed. Hence, the following order:-

O R D E R

I. The application is partly allowed.

- II. The application of applicant Nos. 1 and 2 stands rejected.
- III. The R.C.C. No. 273 of 2023 pending before the Judicial Magistrate First Class, Bhokardan, district Jalna in pursuance of the Charge Sheet No. 182 of 2023 arising out of F.I.R. vide C.R. No. 332 of 2023 dated 14.06.2023 for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. registered with Bhokardan police station, District Jalna are quashed as against applicant Nos. 3 to 5.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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