



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 4292 OF 2023

1. Balasaheb S/o. Uttam Kobarne,
Age : 60 Years, Occu. : Agri.,
R/o. Ganegaon, Tq. Rahuri,
Dist. Ahmednagar.
2. Lilabai W/o. Balasaheb Kobarne ,
Age : 48 Years, Occu. : Agri./Household,
R/o. Ganegaon, Tq. Rahuri,
Dist. Ahmednagar.
3. Shankar S/o. Balasaheb Kobarne ,
Age : 26 Years, Occu. : Agri./Service,
R/o. Ganegaon, Tq. Rahuri,
Dist. Ahmednagar.
4. Akshay S/o. Balasaheb Kobarne ,
Age : 23 Years, Occu. : Agri.,
R/o. Ganegaon, Tq. Rahuri,
Dist. Ahmednagar.
5. Yogita W/o. Dattatray Kale,
Age : 31 Years, Occu. : Agri.,
R/o. Kale Akhada, Tq. Rahuri,
Dist. Ahmednagar.
6. Vanita W/o. Sunil Golhar,
Age : 29 Years, Occu. : Agri.,
R/o. Rajuri, Tq. Rahata,
Dist. Ahmednagar.
7. Jayshree W/o. Ganesh Cholake,
Age : 27 Years, Occu. : Agri.,
R/o. Cholake Wadi, Tq. Rahata,
Dist. Ahmednagar.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Assi. Gov. Pleader, High Court.
2. Sonali W/o. Shankar Kobarne,
Age : 23 Years, Occu. : Household,
C/o. Balasaheb S/o. Trimbak More,
R/o. Shetewadi, Dewlali Prawara,
Tq. Rahuri, Dist. Ahmednagar.

.... Respondents

....
Advocate for Applicants : Mr. M.G. Kolse Patil
APP for Respondent No.1-State : Mr. G.A. Kulkarni
Advocate for Respondent No.2 : Mr. B.B. Shelke
....

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

Dated : 26th June 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.258 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, Rahuri, Dist. Ahmednagar, arising out of Crime bearing No.0703 of 2022, registered with Rahuri Police Station, Dist. Ahmednagar, dated 26.07.2022, 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 sides, when this Court expressed disinclination to grant any relief to applicant No.3/husband, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant No.3. Therefore, vide order dated 22.12.2023, this application is dismissed as withdrawn against applicant No.3. So also, after disinclination is shown to grant any relief in respect of prayer clause 'D', learned Advocate for the applicants sought withdrawal of the application in respect of the same.

4. Learned Advocate for the applicants pointed out the report dated 26.07.2022, in which respondent No.2/informant averred that applicant No.1 is her father-in-law, applicant No.2 is her mother-in-law, applicant No.4 is her brother-in-law and applicant Nos.5, 6 and 7 are her sisters-in-law.

5. The informant further averred in her report that she married with the son of applicant Nos.1 and 2 on 29.06.2020. Initially, she was treated well. Thereafter, the applicants and her husband started to harass her by saying that reasonable respect in the

marriage was not paid to them. After two and a half month, she and her husband went to reside at Aurangabad. There, her husband used to beat her for trivial reasons. He told her to fetch Rs.1.5 Lakhs from her parents for purchasing the furniture. Her father lent Rs.1.5 Lakhs from the people and gave it to her husband. Thereafter, her husband treated her well for some days.

6. The informant further averred in her report that, she went to reside with her husband at Nashik. Again, he demanded Rs.2 Lakhs for purchasing a flat. She said that her father is poor, he is not having that amount with him, therefore, he is not able to pay that amount. That time, her husband abused her and beat her by fist and kick blows and she was starved.

7. The informant further averred in her report that applicant No.1 was suffered from Corona, therefore, she and her husband came at their village Ganegao, Dist. Ahmednagar. That time, applicant No.6 demanded the money to pay the medical expenses of applicant No.2. She refused to bring the money. Therefore, applicant No.6 caught hold her hair and beat her. Applicant Nos.5 and 7 said her to go from the house and threw her clothes out of the house. However, she did not go to her parental house. The applicants were

insisting her husband to send her back to her parental house and not to cohabit with her.

8. The informant further averred in her report that she went to Nashik with her husband. Her husband used to beat her with the help of electric wire. He threatened to kill her by electrocution. Therefore, she was frightened and told that fact to her father. Her father came there and she went with him to her parental house. Her parents and relatives tried to convince the applicants and her husband, but they did not pay any heed to them. Therefore, she lodged the report on 26.07.2022.

9. Learned Advocate for the applicants submitted that applicant Nos.1, 2 and 4 to 7 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. 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.

10. Learned APP for the State strongly opposed the application and submitted that there is strong evidence of cruelty against applicant Nos.1, 2 and 4 to 7. Their names are mentioned in the F.I.R. These applicants treated the informant with cruelty by demanding Rs.3.5 Lakhs for purchasing the furniture and flat and caused physical and mental cruelty. They compelled her to reside at her parents house. It is lastly prayed to reject the application.

11. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that applicant Nos.1, 2 and 4 to 7 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 Rs.3.5 Lakhs for purchasing the furniture and flat. 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 these 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, 506 of the I.P.C. He prayed to reject the application.

12. 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.

13. 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. Though the allegations of cruelty are made against the sisters-in-law, specific date of that incident is not stated in the report and statements of witnesses. The informant was residing with her husband at different places. General and vague allegations are made against the applicants. The essential ingredients of Sections 498-A, 323, 504, 506 of the I.P.C. to constitute

the cruelty, etc. are not establishing from the charge-sheet against applicant Nos.1, 2 and 4 to 7.

14. Considering all the aspects, above reasons and law laid down in the authorities cited supra, if applicant Nos.1, 2 and 4 to 7 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.1, 2 and 4 to 7. The application deserves to be partly allowed. Hence, the following order.

ORDER

- I) The application is partly allowed.
- II) The application in respect of prayer clause 'D' is dismissed as withdrawn.
- II) The First Information Report and charge-sheet in R.C.C. No.258 of 2023, pending before the learned Judicial Magistrate First Class, Rahuri, Dist. Ahmednagar, arising out of Crime bearing No.0703 of 2022, registered with Rahuri Police Station, Dist. Ahmednagar, dated 26.07.2022, for the offences

punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.1, 2 and 4 to 7.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd