



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

CRIMINAL APPLICATION NO. 5050 OF 2024

1. Laxman Pandurang Bhagyawant,
Age: 72 years, Occu.: Business
R/o.: 1905, Crystal Heights,
Madhavdas Pasta Road,
Dadar East, Mumbai-14.

2. Manda W/o Laxman Bhagyawant,
Age: 64 years, Occu.: Household,
R/o.: 1905, Crystal Heights,
Madhavdas Pasta Road,
Dadar East, Mumbai-14.

... Applicants
(Accused No. 5 and 6)

Versus

1. The State of Maharashtra
through Shrirampur City Police Station,
Tq. Shrirampur, Dist. Ahmednagar

2. Jyoti W/o Ganesh Mane,
Aged about: 40 years, Occu.: Housewife,
R/o.: Nesle House, 209 A Wing,
Will Park, Jivdani Road, Mumbai

... Respondents

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Mr. Govind S. Zalte, h/f Mr. Vinod I. Thole, Advocate for Applicant.

Mrs. R. P. Gour, APP for Respondent / State.

Mr. Mahesh Kalidas Bhosale, Advocate for Respondent No.2. (Absent)

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

DATE : 24th June, 2025.

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

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing of the proceedings in RCC No.142 of 2016, pending in the Court of learned Judicial Magistrate First Class, Shrirampur, District Ahmednagar, arising out of FIR bearing Crime No.135 of 2016, dated 16th May, 2016, registered with Shrirampur City Police Station, District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short “the IPC”).

3 Applicant No.2 is the sister-in-law of husband of informant / respondent No.2. Applicant No.1 is the husband of applicant No.2.

4 Respondent No.2 / informant averred in the report that she married with accused No.1 on 8th July, 2007. After marriage, she started to reside at her matrimonial home at Virar, Mumbai. Initially for two years, she was treated well. Thereafter, her husband and in-laws began harassing her. Her husband, mother-in-law, and brothers-in-law started insisting that they did not own a house and therefore, she

should bring Rs.5,00,000/- from her parents for purchasing a house. They continuously demanded the said amount. They used to abuse and beat her over trivial household issues. They insisted that unless she brought the money, she would not be allowed to reside in the matrimonial home.

5 The informant further averred that she used to inform her parents and her brother Pravin about the demand for money and the abuse she was facing. Her parents were saying that they were financially incapable of fulfilling the demand. They used to convince the informant and send her back for cohabitation. During this period, the informant gave birth to two daughters namely Sneha and Sameeksha, and continued to reside at her matrimonial home. However, during her stay, the applicants and others treated the informant with cruelty.

6 The informant further averred that the applicants and others abused and beat her, starved her, inflicted physical and mental cruelty, issued threats to her life and ultimately drove her out of the matrimonial home. Since then, she has been residing at her parental home in Shrirampur. Therefore, she lodged the report.

7 The learned counsel for the applicants submits that the

applicants are falsely implicated in the crime. False allegation of demand of money for purchasing a house is made against the applicants. There is no cogent and acceptable evidence against the applicants. Vague and general allegations are made against the applicants. He lastly prayed to allow the application.

8 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 treated informant with cruelty. They have committed anti-social crime. She lastly prayed to reject the application.

9 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....”

10 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 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.”

11 We have perused the charge-sheet, particularly, the report and the statements of witnesses. The witnesses have stated the similar facts as stated by the informant in her report. The allegations of demand are made against the husband, mother-in-law and brother-in-law. The role of these applicants is not spelled out in the report. Vague and general allegations are made against the applicants. The applicants are distant relatives and not residing with the informant’s family. No specific incident is stated by the informant or witnesses as to when the applicants caused cruelty to the informant. The essential

ingredients of Sections 498-A, 323, 504 and 506 of the IPC are not establishing against the applicants. Considering the above reasons, if the applicants are compelled to face the trial, it would certainly be an abuse of the process of the 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 the process of Court. The application, therefore, deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The proceedings in RCC No.142 of 2016, pending in the Court of learned Judicial Magistrate First Class, Shrirampur, District Ahmednagar, arising out of FIR bearing Crime No.135 of 2016, dated 16th May, 2016, registered with Shrirampur City Police Station, District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed as against both the applicants.

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

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