



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4378 OF 2023

1. Anjula W/o. Suhas Raikar,
Age : 60 Years, Occu. : Household,
R/o. Chakrapani Vahasat, Survey No.118,
Mukta Park, Near Ganesh Mandir,
Landewadi Bhosri, Tq. Haveli,
Dist. Pune.
2. Anuradha W/o. Surendra Patil,
Age : 41 Years, Occu. : Household,
R/o. Kamgar Nagar, Karlewadi,
Pimpri, Tq. & Dist. Pune.
3. Surendra S/o. Hambirrao Patil,
Age : 47 Years, Occu. : Business,
R/o. Kamgar Nagar, Karlewadi,
Pimpri, Tq. & Dist. Pune.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Newasa Police Station,
Tq. Newasa, Dist. Ahmednagar.
2. Sonali W/o. Ajit Raikar,
Age : 30 Years, Occu. : Household,
R/o. Chakrapani Vahasat, Survey No.118,
Mukta Park, Near Ganesh Mandir,
Landewadi Bhosri, Tq. Haveli,
Dist. Pune.
At present R/o. Devgaon,
Tq. Newasa, Dist. Ahmednagar.

.... Respondents

....
Advocate for Applicants : Mr. M.D. Shinde
APP for Respondent No.1-State : Ms. R.P. Gaur
....

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

Dated : 26th 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.365 of 2019, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Newasa, Dist. Ahmednagar, arising out of Crime bearing No.0804 of 2018, registered with Newasa Police Station, Dist. Ahmednagar, dated 10.12.2018, for the offences punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”)

3. Learned Advocate for the applicants pointed out the report dated 10.12.2018, in which respondent No.2/informant averred that applicant No.1 is her mother-in-law, applicant No.2 is

her sister-in-law and applicant No.3 is the husband of applicant No.2. She married with the son of applicant No.1 viz. Ajit Suhas Raikar on 14.06.2015. In that marriage, a gold ring of ten grams, three tolas necklace, two Mini Ganthan were given by her parents and five tolas pendant and two tolas Mini Ganthan were given by the people of the side of in-laws. After the marriage, she was treated well for one month.

4. The informant further averred in her report that, thereafter, her husband used to come late at night under the influence of liquor and beat her for trivial reasons. He said her that he has business of material supply, he has to meet influential people and therefore, he reach to the house at late night. He instructed her to get adjusted with such conditions and to make the food whenever he came. She was trying to tell him to come early. Enraging upon it, he used to abuse her and beat her by kicks and fists. He continued coming home late. Because of him, she was not able to sleep early, therefore, she could not wake up early in the morning. Applicant No.1 was harassing her on this count. She used to say to her that she is inauspicious and insulted her by saying she is '*Karanti*'. She used to abuse her badly and tease her.

5. The informant further averred in her report that applicant Nos.2 and 3 were residing at about two kilometers away from her house. Applicant No.3 had a medical business. They used to come to her house frequently. They were saying to applicant No.1 to search another girl for the marriage. They got rustic girl. The informant is not having intelligence of any kind. Applicant No.3 used to say to drive her out of the house, get the divorce from her and perform the second marriage by finding a better girl. Thereby, the applicants were frequently treating her with cruelty. She was bearing that cruelty because of her parents' poor financial condition. She used to tell that cruelty to her parents.

6. The informant further averred in her report that, after two months of the marriage, she went to her parents house at Devgao, Tq. Newasa. After two to four days, her husband came there. He, under the influence of liquor, insisted her to come with him at night hours. He demanded Rs.25 Lakhs to her for purchasing a house. She said that her parents' economic condition is poor as they have already incurred a huge amount for their marriage, but in future her parents can pay that amount, now they are not able to pay that amount. Her husband was enraged. He said that till she is not

fetching Rs.25 Lakhs for purchasing a house, he will not take her for cohabitation. He slapped her and went away in a fury.

7. The informant further averred in her report that, her parents told that harassment, caused to her, to middleman viz. Ashok Kapse and asked him to convince the applicants and her husband. A meeting was arranged at the house of her husband at Landewadi, Pune. Her relatives viz. Ashok Kapse, Rohini Kalokhe, Prabhakar Bavke and her father Tarachand Thombre were present in the meeting. They convinced the applicants and her husband and sent her back for cohabitation. The applicants and her husband treated her well for eight days. Thereafter, they again started to harass her. Once at 06.30 a.m., applicant No.2 came to her house. She caught hold the informant's hair and dragged her out of the house from her bedroom. Applicant No.2 said to her husband that she will perform his marriage with the girl of a rich man. She insisted him to demand Rs.25 Lakhs from her father, otherwise drive her out of the house. That time, all the applicants and her husband beat her by kicks and fists blows and drove her out of the house. On that night, her parents came there along with middleman Ashok Kapse and Rohini Kalokhe. They tried to convince the applicants and her husband. That time, Ashok Kapse and Rohini Kalokhe called her to one side of the room and told her to

fulfill the demand of Rs.25 Lakhs, otherwise they will not allow her to cohabit. She told that fact to her father. Her father asked them why they are compelling her to pay Rs.25 Lakhs. That time, they abused her father also.

8. The informant further averred in her report that, on 08.06.2018, all the applicants and her husband took her into confidence stating that they have to purchase a house, they need money. Therefore, they took her ornaments for borrowing a loan by mortgaging it in a bank. Thereafter, they beat her and insisted her to fetch Rs.25 Lakhs. She was starved. They drove her out of the house in starved condition and only with the clothes on her person. Therefore, she lodged the report.

9. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. General and vague allegations are made against the 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 the applicants. No medical certificate is produced on record to prove the alleged beating. False allegations of demand of money are made against the applicants. The

essential ingredients of offences punishable under Sections 498-A, 406, 323, 504, 506 of the I.P.C. are not establishing against the 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 the applicants. Their names are mentioned in the F.I.R. The applicants treated the informant with cruelty by demanding Rs.25 Lakhs for purchasing a house and caused physical and mental cruelty and compelled her to reside at her parents house. It is lastly prayed to reject the application.

11. 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.*

12. 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. As far as allegation of demand of Rs.25 Lakhs is concerned, it is made against the husband of the informant, who is not a party to this proceeding. No specific incident along with specific date is stated as to when the applicants treated the informant with cruelty. Applicant Nos.2 and 3 are residing separately. General and vague allegations are made against the applicants. The essential ingredients of Sections 498-A, 406, 323, 504, 506 of the I.P.C. to constitute the cruelty, etc. are not establishing against the applicants from the charge-sheet.

13. Considering all the aspects, above reasons and law laid down in the authorities cited supra, if the applicants 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 the applicants. 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.365 of 2019, pending before the learned Judicial Magistrate First Class, Newasa, Dist. Ahmednagar, arising out of Crime bearing No.0804 of 2018, registered with Newasa Police Station, Dist. Ahmednagar, dated 10.12.2018, for the offences punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against the applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd