



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4521 OF 2023

1. Amar Dinanath Lakhangire
Age 34 years, Occ. Business,
R/o. Venkatesh Nagar, Latur
Tq. Latur, District Latur
 2. Dinanath s/o Nivrutti Lakhangire
Age 59 years, Occ. Agri.,
R/o. Venkatesh Nagar, Latur
Tq. Latur, District Latur
 3. Mukta w/o Dinanath Lakhangire
Age 53 years, Occ. Household
R/o. Venkatesh Nagar, Latur
Tq. Latur, District Latur
 4. Shubhangi w/o Babruwan Bombade
Age 30 years, Occ. Household
R/o. Talni, Tq. Renapur
District Latur
 5. Babruwan s/o Baliram Bombade
Age 37 years, Occ. Service as Teacher
R/o. Talni, Tq. Renapur
District Latur
- ...Applicants

Versus

1. The State of Maharashtra
Through Ahmedpur Police Station
Tal. Ahmedpur, Dist. Latur
 2. Rutuja w/o Amar Lakhangire
Age 28 years, Occ. Household
R/o. Venkatesh Nagar, Latur
at present R/o. Uday Nagar,
Ahmedpur, District Latur
- ...Respondents

.....
Mr. Vikas G. Kodale, Advocate for the applicants
Mr. S.A. Gaikwad, A.P.P. for the respondent No.1
Mr. S.B. Madde, Advocate for respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATE OF RESERVING THE : 18.07.2025
ORDER
DATE OF PRONOUNCING : 19.08.2025
ORDER**

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing of F.I.R. vide Crime No.625 of 2023, dated 03.11.2023 registered with Ahmedpur police station, district Latur for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.") and and the consequential charge sheet No. 31 of 2023 dated 12.2.2023 filed in the Court of Judicial Magistrate First Class, Ahmedpur, District Latur.
3. The informant averred in the report that applicant No. 1 is her husband, applicant Nos. 2 and 3 are her parents-in-law, applicant No.4 is her sister-in-law and applicant No.5 is husband of applicant No.4.

4. The informant further averred in the report that on 12.6.2017, she married with applicant No.1. In her marriage, a dowry of Rs.15,00,000/-, one tola of gold and other household articles were given as gift. Her father has incurred total amount of Rs.10,00,000/- for the said marriage. Initially, she was treated well for six months. Thereafter, her husband started to doubt her character. He was checking her mobile handset frequently. He was recording her conversation on the mobile phone and also checking her chatting on mobile phone. When she informed about it to her parents-in-law, they said that there was no need for her to use the mobile phone, she did not perform household work, and why she is using the mobile phone 24 hours a day, what is wrong in checking her mobile phone by her husband and they threatened and abused her.

5. The informant further averred that she begot a daughter on 17.2.2019. When she returned for cohabitation after delivery, the applicants doubted her character and started to harass her physically and mentally. They did not allow her to work in their company. Her husband was addicted to liquor. He used to come at home under the influence of liquor at late night and used to quarrel with her. When she made complaint to her parents-in-law, they said that she was the reason, he had addicted to liquor.

6. The informant further averred that applicant Nos.4 and 5 are residing at the back side of their house, opposite to Amba Hanuman in Mayurban Society. They were frequently coming to their house and instigating her husband and parents-in-law by saying that whatever is given by the father of informant in marriage, the same be thrown on her face and applicant No.1 should perform a second marriage. She should be driven out of the house. In this way, applicant Nos. 4 and 5 were interfering in the marital life of the informant. The informant further averred that her husband was not having control of anybody and therefore, he was addicted to liquor and used to drink liquor daily. Her husband told her about obtaining of a loan. Thereafter, he started to beat her under the influence of liquor. He demanded Rupees Twenty Five Lakh for purchase of machinery. Her husband threatened her that if she did not fetch the amount, he would give her divorce. She informed that fact to her parents and the son of her maternal aunt Aniket Sude, her uncle Arvind Mandade, Amol Mandade, Umakant Mandade, her relatives Subhash Yalgate and Madhav Chame. All these relatives and the informant went to factory of her husband and tried to convince her husband and parents-in-law, however, they were insulted. The applicants demanded Rupees Twenty Five Lakh from them when they were proceeding back. The applicants beaten and abused them

as well as the informant. They threatened if the informant's father is not paying the amount they will give divorce to her.

7. The informant further averred that on 15.10.2023, at about 11.00 to 12.00 p.m. her husband came under the influence of liquor, caught hold her hairs and started beating her. The applicant Nos. 2 to 5 were present but they did not rescue her from her husband's clutches. On the contrary, they abused and beaten her with fist and kick blows. They threatened that she would be left at her parent's house and that they will not allow her to come back. She sustained invisible injuries, and after a day of the incident, she called her uncle Umakant Mandade and informed him about the incident of beating. Then she returned with her uncle at Ahmedpur.

8. The informant further averred that on 28.10.2023, at about 07.00 p.m. her husband Amar i.e. applicant No.1 and other 2 to 3 unknown persons came at Ahmedpur to her parental house and threatened that they will took the daughter Yadavi with them at Latur. They abused and also made ruckus there. When her uncle Santosh Mandade and father tried to convince them, they threatened that they will cut their hands and legs into pieces. The informant therefore, lodged the report.

9. Learned advocate for the applicants submitted that vague and baseless allegations are made against the applicants, without quoting the specific role of each of the applicants. The date and time of demand of amount of Rupees Twenty Five Lakh for purchasing machinery and for repayment of loan amount is also not specifically mentioned in the report. Therefore, he prayed to quash the report as well as the consequential proceedings.

10. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally by making demand of Rupees Twenty Five Lakh for purchase of machinery. The names of the applicants are mentioned in the report with specific roles attributed to each of the applicants. They cannot be exonerated from the criminal liability under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

11. It would be relevant to rely upon the judgment of the Hon'ble Supreme Court in the case of ***Disha Kapoor vs. State of Uttar Pradesh and others, reported in 2025 SCC OnLine SC 1070***, wherein it is held that the Courts to be doubly cautious and extremely careful in dealing with such complaints, especially since

the ultimate object of justice is to find out the truth and not only to punish the guilty but also to protect the innocent.

12. We have perused the charge sheet, particularly the report and the statements of witnesses.

13. Though there are serious allegations against applicants that they demanded Rupees Twenty Five Lakh for satisfying the loan amount and for purchase of machinery. The documentary evidence of loan transaction is not produced on record to show that certain loan amount was taken and it was not paid and for that the informant was harassed by the applicants by demanding Rupees Twenty Five Lakh. There is no material to show as to which business was to be started by applicant No.1 and which kind of machinery were to be purchased. The allegations of demand of Rupees Twenty Five Lakh for repayment of loan or purchase of machinery are not supported by reliable material against the applicants which is the requirement of section 498-A of the I.P.C.

14. The informant has averred in the report that applicant No.4, her sister-in-law was residing near to her house and used to harass her. But her contention is that she is residing at Talni, Tq. Renapur, District Latur with her husband, the applicant No.5, who is serving as

a teacher there. It is not stated as to when specifically they demanded that amount of Rupees Twenty Five Lakh. There are vague and general allegations made against them that they caused cruelty to her by regularly coming there and they were residing backside of the house in Mayurban Society. No such material is brought to show that they were residing in Mayurban Society, which is near to the house of husband of the informant. The cruelty coupled with demand or driving her to commit suicide is also not establishing against applicant Nos. 4 and 5 as per section 498-A etc. of the I.P.C.

15. The informant has stated in her report about the specific incidents dated 15.10.2023 and 16.10.2023 that her husband doubted her character and kept watch on her mobile chatting. He was recording her mobile phone and beaten her under the influence of liquor. She had also stated about the incident dated 28.10.2023 that applicant No. 1 and other 2/3 unknown persons came to her parental house, abused her there and threatened of dire consequences. The specific role of the applicant Nos.1 to 3 as to when and how each of them beat the informant is not stated. Thus, beating to the informant by the applicant Nos. 1 to 3 does not establish that it caused danger to life, limb or health, whether mental or physical of the woman as per sub clause (a) of Section 498-A of the I.P.C. against them.

16. There is no such material as to beating, abusing, insulting, threatening and causing intimidation to the informant on the part of applicants to establish the essential ingredients of sections 504 and 506 of the I.P.C. against them. Further, there is no such material on record to show the common intention of all the applicants as per section 34 of the I.P.C..

17. Considering the entire material on record and as per the law laid down by the Hon'ble Apex Court in the case of ***Disha Kapoor vs. State of Uttar Pradesh and others (supra)***, it is a case of abuse of process of law against all the applicants.

18. Considering the reasons stated herein-above and on such doubtful material, compelling the applicants to face the trial, would be an abuse of the process of the court. The case is made out for exercise of our extraordinary powers under section 482 of the Cr.P.C. We are, therefore, inclined to allow the application in the interest of justice to prevent the abuse of the process of the Court. Hence, the following order:-

O R D E R

I. The application stands allowed.

- II. The F.I.R. vide C.R. No.625 of 2023, dated 03.11.2023 registered with Ahmedpur police station, district Latur for the offences punishable under Sections 498-A, 323, 504 and 506 r.w. 34 of I.P.C. and the consequential charge sheet No. 31 of 2023 dated 12.2.2023 filed in the Court of Judicial Magistrate First Class, Ahmedpur, District Latur, stand quashed and set aside as against all the applicants.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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