



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

CRIMINAL APPLICATION NO. 127 OF 2024

1. Sandeep S/o. Bandu Rathod,
Age : 31 Years, Occu. : Agri. & Service,
R/o. Rui, Tq. Ahmedpur, Dist. Latur.
At present R/o. A-2/410,
Xrbia River Front, Babadohal,
Talegaon, Pune, Tq. & Dist. Pune.
2. Bandu S/o. Ganpat Rathod,
Age : 60 Years, Occu. : Pensioner & Agri.,
R/o. Rui, Tq. Ahmedpur, Dist. Latur.
At present R/o. H. No.418/7/2,
Gajanand Colony, Jyotiba Nagar,
Kalewadi, Pune, Tq. & Dist. Pune.
3. Laxmi W/o. Bandu Rathod,
Age : 58 Years, Occu. : Household,
R/o. Rui, Tq. Ahmedpur, Dist. Latur.
At present R/o. H. No.418/7/2,
Gajanand Colony, Jyotiba Nagar,
Kalewadi, Pune, Tq. & Dist. Pune.
4. Prashant S/o. Bandu Rathod,
Age : 35 Years, Occu. : Private Service,
R/o. Pollens Luxuria, Kalepadal,
Hadapsar, Pune, Tq. & Dist. Pune.
5. Rukmini W/o. Prashant Rathod,
Age : 33 Years, Occu. : Private Service,
R/o. Pollens Luxuria, Kalepadal,
Hadapsar, Pune, Tq. & Dist. Pune.
6. Devrao @ Devidas S/o. Namdeo Rathod,
Age : 68 Years, Occu. : Retired,
R/o. At Sayal, Post Karegaon,
Tq. Loha, Dist. Nanded.

7. Prayagbai W/o. Devrao Rathod,
Age : 65 Years, Occu. : Household,
R/o. At Sayal, Post Karegaon,
Tq. Loha, Dist. Nanded.
8. Gajanan S/o. Devrao Rathod,
Age : 40 Years, Occu. : Doctor,
R/o. At Sayal, Post Karegaon,
Tq. Loha, Dist. Nanded.
9. Neha W/o. Gajanan Rathod,
Age : 30 Years, Occu. : Household,
R/o. At Sayal, Post Karegaon,
Tq. Loha, Dist. Nanded.
10. Waman S/o. Gyanu Chavan,
Age : 45 Years, Occu. : Agri.,
R/o. Rui Tanda, Sanghvi,
Tq. Ahmedpur, Dist. Latur.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Police Station,
Georai, Dist. Beed.
2. Seema W/o. Sandeep Rathod,
Age : 30 Years, Occu. : Medical Officer,
R/o. H. No.418/7/2, Gajanan Colony,
Jyotiba Nagar, Kalewadi, Pune.
At present R/o. Naik Nagar,
Kolher Road, Georai, Tq. Georai,
Dist. Beed.

.... Respondents

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Advocate for Applicants : Mr. H.I. Pathan
 APP for Respondent No.1-State : Mrs. P.R. Bharaswadkar
 Advocate for Respondent No.2 : Mr. S.D. Hiwrekar

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

Dated : 19th June 2025

ORDER [PER SANJAY A. DESHMUKH, J.] :-

1. Heard learned Advocate for both the 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.458 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, Georai, Dist. Beed, arising out of Crime bearing No.0413 of 2023, registered with Georai Police Station, Dist. Beed, dated 08.08.2023, 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. Learned Advocate for the applicants pointed out the report dated 08.08.2023, in which respondent No.2/informant averred that applicant No.1 is her husband, applicant No.2 is her father-in-law, applicant No.3 is her mother-in-law, applicant No.4 is her brother-in-law, applicant No.5 is the wife of applicant No.4,

applicant No.6 is her maternal father-in-law, applicant No.7 is her maternal mother-in-law, applicant No.8 is her maternal brother-in-law, applicant No.9 is the wife of applicant No.8 and applicant No.10 is the relative of applicant No.2/father-in-law.

4. The informant further averred in her report that she married with applicant No.1 on 16.02.2023. She is educated upto B.A.M.S. and Community Health Officer at Sakri, Tq. Guhaghar, Dist. Ratnagiri. In marriage, dowry of Rs.11 Lakhs and 11 tolas gold were given. After her marriage, she was treated well for one and half month. Thereafter, the applicants started to harass her. Other applicants were instigating applicant No.1 to leave her and perform the second marriage. They said that a priest told them that applicant No.1 is a Manglik, therefore, his marriage with her will not be successful. On that count, applicant No.1 was beating and harassing her.

5. The informant further averred in her report that, other applicants demanded Rs.20 Lakhs for purchasing a car for applicant No.1. She said that her parents have incurred a huge amount in the marriage, therefore, they are not able to pay that amount. The applicants starved her. Applicant No.10 was saying that why

performed the marriage with her, we would have gotten a better wife for applicant No.1. He was taunting her and instigating other applicants. On 11.06.2023, applicant No.1, applicant No.3 and applicant No.4 beat her, doubted her character, abused her and drove her out of the house. On 22.06.2023, the applicants didn't let her in the house and locked the door. Therefore, she lodged the report.

6. 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 is 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 cruelty are made against the applicants. The essential ingredients of offences punishable under Sections 498-A, 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.

7. 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.20 Lakhs for purchasing a car and caused physical and mental cruelty and compelled her to reside at her parents house. It is lastly prayed to reject the application.

8. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that the applicants are involved in the crime of treating the informant with cruelty. The specific incidents are stated by the informant in the report that the applicants were treated the informant with cruelty by demanding Rs.20 Lakhs for purchasing a car. The names of the 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 the applicants to proceed further with the trial. Therefore, the application deserves to be rejected as there is reliable evidence against the 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.

9. 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.

10. 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. General and vague allegations are made against the applicants. Admittedly, the informant is residing at her service place i.e. at Sakri, Tq. Guhaghar, Dist. Ratnagiri. Applicant No.1 is not residing with the informant. The role of each of the applicant is not specifically stated by the informant as to how they harassed the informant. The vague allegations of cruelty are not sustainable. The essential ingredients of Sections 498-A, 323, 504, 506 of the I.P.C. to constitute the cruelty, etc. are not establishing either from the report or the charge-sheet.

11. 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.458 of 2023, pending before the learned Judicial Magistrate First Class, Georai, Dist. Beed, arising out of Crime bearing No.0413 of 2023, registered with Georai Police Station, Dist. Beed, dated 08.08.2023, for the offences punishable under Sections 498-A, 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