



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 240 OF 2024

1. Dattatray s/o. Mahadev Waghmare,
Age: 26 years, Occ.: Service,
R/o. Chakan, Tal. and Dist. Pune
(husband) (withdrawn)
2. Parvati w/o. Mahadev Waghmare,
Age: 50 years, Occ. Household,
R/o. Kuppa, Tal. Wadwani,
Dist. Beed, (Mother-in-law)
(withdrawn)
3. Mahadev s/o. Limbaji Waghmare,
Age: 50 years, Occ.: Nil,
R/o. Kuppa, Tal. Wadwani,
Dist. Beed (Father-in-law)
(withdrawn)
4. Sarika w/o. Sambhaji Ghodke.
Age: 33 years, Occ. Household,
R/o. Old Fursungi Road,
Bhekrai Nagar, Fursungi,
Tal. and Dist. Pune
(Sister-in-law)
5. Balaji s/o. Mahadev Waghmare,
Age: 32 years, Occ. Service,
R/o. Old Fursungi Road,
Bhekrai Nagar, Fursungi.
Tal. and Dist. Pune
(Brother-in-law) (withdrawn)
6. Krushna s/o. Mahadev Waghmare,
Age: 33 years, Occ.: Service,
R/o. Flat No. A-14,
Adarsh Colony No-5, Pragatinagar,
Hadapsar, Tal. and Dist. Pune
(Brother-in-law) (withdrawn)

...Applicants

Versus

1. The State of Maharashtra,
Through its Investigating Officer,
Police Station Kallam,
Tal. Kallamb, Dist. Osmanabad.
2. Poonam w/o. Dattatray Waghmare,
Age-23 years, Occ.: Household,
R/o. Sambhaji Nagar,
Tal. Kallam, Dist. Osmanabad ...Respondents

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Mr. Ashutosh S. Kulkarni, Advocate for the applicant
Ms. Rashmi P. Gour, A.P.P. for the respondent No.1
Mr. A.R. Gaikwad, Advocate for respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th JUNE, 2025**

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

1. Heard the 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 the criminal proceeding bearing R.C.C. No. 219 of 2023 pending before the Judicial Magistrate, First Class, Kallam, District Osmanabad alongwith charge sheet No. 121 of 2023 and the F.I.R. No. 368 of 2023 registered with Kallam police station, district Osmanabad 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.")
3. After hearing for some time, when this court showed

disinclination to grant relief to applicant Nos.1, 2, 3, 5 and 6, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant Nos. 1, 2, 3, 5 and 6. Leave granted. The application to the extent of applicant Nos. 1, 2, 3, 5 and 6 stands dismissed as withdrawn.

4. The informant averred in the report that she married with co-accused Dattatraya Waghmare on 22.11.2020. In her marriage, dowry of Rs.2,00,000/-, 3 Tolas gold ornaments, household articles etc. were given. She was residing with her husband and other accused persons at village Kuppa, Tq. Wadwani, district Beed. Thereafter, she went to reside in the flat of her brother in law at Hadapsar, Pune. There, her husband said that they have to take another flat/room and for that purpose her husband asked her to bring an amount of Rs.20,000/- from her parents. Her parents gave that amount to her husband. She used to come intermittently at village Kuppa. At that time, all the applicants were demanding Rs.5,00,000/- for construction of house at Pune. Thereafter, on 24.4.2023, her husband quarreled with her and left her at her parental home at Diksal for bringing amount of Rs.5,00,000/-. Thereafter, the applicant and other co-accused persons used to make phone calls frequently for bringing the said amount. Therefore, the informant lodged the report.

5. Learned advocate for the applicant submitted that there is no allegation against this applicant. The applicant is marriage sister in law of the informant and she is residing at Pune. The allegation of demand of amount of Rs.5,00,000/- is not against this applicant. All allegations are vague and general in nature. There is a delay in lodging the report. From the charge sheet, it appears that all the witnesses whose statements are recorded are from the parental side of the informant. The said statements of the witnesses cannot prove that the harassment and cruelty has been caused to the informant at the hands of this applicant. He further submits that the applicant has been falsely implicated in the crime. Therefore, he prayed to quash the report as well as the charge sheet.

6. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by submitting that the applicant and other co-accused persons have treated the informant with cruelty, physically as well as mentally. There was demand of Rs.5,00,000/- for construction of house at Pune. The applicant and other accused persons have caused harassment to the informant mentally as well as physically for non fulfillment of demand of aforesaid amount. The name of the applicant is mentioned in the report. The specific role by mentioning

her name is attributed to the applicant. The applicant cannot be exonerated from the criminal liability under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. It is lastly prayed to reject the application.

7. It would be relevant to refer to the judgment of the Hon'ble Supreme court in the case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors.**, reported in **2025 SCC Online SC 17**, in which the Hon'ble Supreme Court, in paras 9 and 11 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.*

*11. In the contextual situation, it is also relevant to refer to the decision of this Court in **Mohammad Wajid and Another v. State of U.P. and Anr.**, whereunder this Court, in so far as it is relevant, 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 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 materials collected in the course of investigation....."

8. We have perused the charge sheet, particularly the report and the statements of witnesses. Similar facts are stated by the witnesses in their statements.

9. As far as this applicant is concerned, she is married and residing with her husband at Pune, having a job there. Her role is not specifically stated in the report as to how she treated the informant with cruelty. On such vague and baseless allegations, compelling the applicant to face the trial, would be an abuse of process of the court. The case is made out for exercise of 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 process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The R.C.C. No. 219 of 2023 pending before the Judicial Magistrate, First Class, Kallam, District Osmanabad alongwith charge sheet No. 121 of 2023 and the F.I.R. No. 368 of 2023 registered with Kallam police station, district Osmanabad for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. are quashed as against applicant No.4.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)