



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 363 OF 2024

- 1) Anand s/o Vishwanath Nisargandh,
Age: 35 years, Occ. Labour,
R/o Siddharth Nagar, Barshi Road, Beed,
Dist. Beed (brother-in Law)
 - 2) Rohini Vishwanath Nisargandh,
Age: 30 years, Occ. Service,
R/o Near Yashodip Hotel,
Siddharth Nagar, Barshi Road,
Beed, Dist. Beed (Sister in Law)
 - 3) Vandana Buddhaghosh Salve,
Age: 40 years, Occ. Business,
R/o Flat No.901, Building No.7,
Amarnath CHS Ltd., Plot No.4,
Near D. Mart, Sector 9-E, Roadpali,
Kalamboli Node, Raigad [Maharashtra]
(sister in Law)
 - 4) Buddhaghosh Bansilal Salve,
Age: 43 years, Occ.. Labour,
R/o Flat No.901, Building No.7,
Amarnath CHS Ltd., Plot No.4,
Near D. Mart, Sector 9-E,
Roadpali, Kalamboli Node,
Raigad [Maharashtra]
(Brother in law)
- ...Applicants

Versus

- 1) The State of Maharashtra through
[Copy to be served through the
office of Public Prosecutor,
High Court of Judicature of Bombay,
Bench at Aurangabad]
- 2) Jyoti Rajratna Nisargandh,
Age: 48 years, Occ. Service/Household,
R/o Changawan, Majalgaon, Dist. Beed

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Mr. Shaikh Afreen R, Advocate for the applicants
Mr. S.A. Gaikwad, A.P.P. for the respondent No.1
Mr. Jeevan D. Khade h/f Mr. S.J. Salunke, 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 F.I.R. No.252 of 2023, registered with Majalgaon city Police Station, District Beed, for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of Indian Penal Code, 1860 (for short "the I.P.C.") and under section 4 of Dowry Prohibition Act and the consequential criminal case bearing R.C.C. No. 102 of 2024 pending before the Judicial Magistrate First Class, Majalgaon, District Beed.
3. The informant averred in the report that applicant No.1 is her brother in law, applicant Nos.2 and 3 are her sisters in law and applicant No.4 is husband applicant No.3.

4. The informant further averred in the report that she married with co-accused, who is brother of applicant Nos. 1 to 3, on 28.11.2021. Initially, she was treated well for two months. Thereafter, her husband started to say to her that she is not good looking. He does not like her. He was abusing and beating her. Her husband, parents-in-law and the applicants were saying that her marriage is unnecessarily performed with co-accused, Rajratna Nisargandh. They were frequently teasing her. She suffered a lot. Her husband demanded Rs.5,00,000/- for the payment of the loan amount and for starting a new business. She was driven out from their house on that count in the month of October, 2022. Therefore, she is residing with her parents. She lodged the report on 25.07.2023 against the applicants, her husband and parents-in-law.

5. Learned advocate for the applicants submitted that baseless allegations are made against the applicants without quoting the specific role of each of the applicants. The allegation of demand of amount of Rs.5,00,000/- for repayment of loan amount and for starting new business is also not specific against these applicants. 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. All these applicants are close relatives of the husband of the informant and only in order to implicate the entire family and the relatives, the report has been falsely lodged, without cogent evidence against them. She further submits that the applicants have been falsely implicated in the crime. Therefore, she prayed to quash the report as well as the criminal case.

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 applicants have treated the informant with cruelty, physically as well as mentally. There was consistent demand of Rs.5,00,000/- for starting a new business and to repay the loan amount. The applicants and other accused persons have caused harassment to the informant mentally as well as physically for non fulfillment of demand of money. The names of the applicants are mentioned in the report. The specific roles by mentioning their names are attributed to each of the applicants. They cannot be exonerated from the criminal liability of allegations levelled against them. 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 the witnesses, who have stated similar facts. Admittedly, applicant Nos. 2 and 3 who are married sisters in law and are residing with their respective husbands at the respective places at Beed and Raigad. When and how the applicants came to their parental house and treated the informant with cruelty is not

specifically stated by the informant in her report. The applicants' role is thus not spell out either from the report or the charge sheet to establish the cruelty as contemplated under under Section 498-A of I.P.C. The essential ingredients of Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. are not establishing against these applicants. Thus, on such vague and baseless allegations, compelling the applicants 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 and to prevent the abuse of process of the Court. Hence, the following order:-

O R D E R

- I. The application stands allowed.
- II. The F.I.R. No.252 of 2023, registered with Majalgaon city Police Station, District Beed, for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and under section 4 of Dowry Prohibition Act and the consequential criminal case bearing R.C.C. No. 102 of 2024 pending before the Judicial Magistrate First Class, Majalgaon, District Beed are quashed as against the present applicants.

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

rlj/