



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

CRIMINAL APPLICATION NO. 425 OF 2024

1. Akash S/o. Mahadeo Sanap
Age : 23 Years, Occu. : Private Driver,
R/o. Ganraj Colony, Nakhate Vasti,
Kalewadi, Pune 411 017.
2. Mahadeo S/o. Narayan Sanap
Age : 49 Years, Occu. : Private Driver,
R/o. Ganraj Colony, Nakhate Vasti,
Kalewadi, Pune 411 017.
3. Aasha W/o. Mahadeo Sanap
Age : 39 Years, Occu. : Housewife,
R/o. Ganraj Colony, Nakhate Vasti,
Kalewadi, Pune 411 017.
4. Kajal W/o. Sachin Wanve
Age : 23 Years, Occu. : Household,
R/o. "Krashnakunj", Gut No.976,
Lane No.3, Dube Nagar, Wagholi,
Pune 412 207.
5. Machindra S/o. Barikrao Nagargoje
Age : 50 Years, Occu. : Private Job,
R/o. At Post Rohotwadi, Tq. Patoda,
Dist. Beed.
6. Dipali W/o. Machindra Nagargoje
Age : 43 Years, Occu. : Housewife,
R/o. At Post Rohotwadi, Tq. Patoda,
Dist. Beed.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Police Station Patoda,
Tq. Patoda, Dist. Beed.

2. Pragati D/o. Anand Bangar
Age : 23 Years, Occu. : Housewife,
R/o. At Post Bhayala, Tq. Patoda,
Dist. Beed.

.... Respondents

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Advocate for Applicants : Mr. Irfan D. Maniyar
APP for Respondent No.1-State : Mr. A.M. Phule
Advocate for Respondent No.2 : Mr. A.S. Jagtap h/f Mr. A.N.
Nagargoje

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

Dated : 21st March 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 bearing No.08 of 2024 in R.C.C. No.09 of 2024 under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), arising out of C.R. No.0273 of 2023, registered at Patoda Police Station, Beed, Dist. Beed, dated 04.12.2023, 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. After hearing both the sides, when this Court expressed disinclination to grant any relief to applicant Nos.1 to 3, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant Nos.1 to 3. Therefore, the present application is dismissed as withdrawn against applicant Nos.1 to 3.

4. Learned Advocate for the applicants pointed out the report dated 04.12.2023, 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 sister-in-law, applicant No.5 is the maternal uncle of applicant No.1 and applicant No.6 is the wife of applicant No.5.

5. The informant further averred in her report that, her marriage was performed on 16.12.2023 with the son of applicant No.2. She was treated well for one month. In her marriage, eight tola gold ornaments were given. Thereafter, her husband and all the other applicants started to harass her. They demanded Rs.5 Lakhs for purchasing a flat. The informant said that her parents have incurred huge amount for the marriage, hence they are not having that amount. Therefore, all the applicants started to harass her. Applicant Nos.5 and 6 threatened her that they will set her ablaze and eliminate

her. The applicants were not allowing her to contact with her parents and relatives. Applicant No.2/father-in-law abused her for that amount. Applicant No.3/mother-in-law used to keep her on starvation and keep her out of the house till late night. Applicant No.1/husband once demanded money to satisfy the hand loan and its interest and directed her to fetch that amount from her parents. The informant said that she is having only Rs.45,000/-, she will give that amount. Accordingly, she had given the said amount to her husband. She did not tell that fact to her parents. All the applicants continuously harassed her for the amount of Rs.5 Lakhs for purchasing a flat. They said that they will eliminate her if she did not bring that amount from her parents and threatened to kill her.

6. The informant further averred in her report that, on 05.08.2023, applicant No.3/mother-in-law demanded one tola gold ring for Dhonde Jevan. She tried to convince her mother-in-law that her parents are not having money to purchase a gold ring. Therefore, mother-in-law and husband frequently abused and beaten her. She informed that fact to her parents. They came at Pimpri Chinchwad, Pune with some respectable persons from their village. The dispute was compromised between them. Thereafter, they treated her well for one month. After that, on account of house chores, applicant

No.2/father-in-law abused, beaten and expelled her from the house. Therefore, She went to Wakad Police Station, Pune to lodge report. The police called her in laws and husband there. They convinced them, but her harassment was continued. Therefore, she called her parents and she went with them. On 05.10.2023, her husband and his family members came to her parents house and abused her and refused to take her back for cohabitation. Thereafter, she lodged the report against the applicants.

7. Learned Advocate for the applicants submitted that applicant No.4/sister-in-law of the informant is married. She is residing at Wagholi Pune. Applicant Nos.5 and 6 are residing at Rohotwadi, Tq. Patoda, Dist. Beed. Their role is not specifically stated either in the report or the statements of witnesses. They are falsely implicated in the crime. The essential ingredients of Sections 498-A, 323, 504, 506 of I.P.C. are not establishing from the report and charge-sheet. Therefore, the report and charge-sheet deserve to be quashed in the interest of justice to prevent the abuse of process of Court. It is lastly prayed to allow the application.

8. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of causing of

cruelty to the informant against the applicants. Their names are mentioned in the F.I.R. The applicants treated her with cruelty by harassing her by demanding money and beaten her. The applicants caused physical and mental cruelty and compelled her to reside at her parental house. There is strong evidence of cruelty against the applicants supported by the evidence of witnesses. It is lastly prayed to reject the application.

9. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that the applicants are involved in the serious crime. They have treated the informant with cruelty by making illegal demand of money, beating her, etc. The specific incidents are stated by the informant in the report. There are statements of witnesses which are corroborating with the version of the informant. Names of the applicants are mentioned in the report. There is a strong evidence against the applicants to proceed further with the trial. In such a fact situation, the application must be rejected as there is a reliable evidence against the applicants. He prayed to reject the application.

10. Here, it would be relevant to refer the following decisions of the Hon'ble Supreme Court :

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.

11. We have perused the report and charge-sheet, particularly the statements of witnesses. The witnesses have stated in their statements that the informant was harassed by the husband and other applicants. They demanded Rs.5 Lakhs from her for purchasing a flat. From the report and statements of the witnesses, it is crystal clear that all these allegations are made against the husband and in laws of the informant that they demanded Rs.5 Lakhs to her. The role of other applicants is not specifically stated as to when they came to the house of the informant and harassed her. In what way, they harassed the informant is not stated by them. Therefore, the cruelty as contemplated by Section 498-A of I.P.C. is not establishing against applicant Nos.4 to 6. The omnibus, vague and general allegations are made against these applicants which are not sustainable.

12. Considering the charge-sheet and all these aspects and law laid in above cited cases, we are of the view that 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 inherent powers under Section 482 of Cr.P.C. to quash the report and charge-sheet in the interest of justice to prevent the abuse of process of Court. The application deserves to be allowed in respect of applicant Nos.4 to 6. Hence, the following order.

ORDER

- I) The application is dismissed as withdrawn against applicant Nos.1 to 3.
- II) The application stands allowed to the extent of applicant Nos.4 to 6.
- III) The First Information Report and charge-sheet bearing No.08 of 2024 in R.C.C. No.09 of 2024 arising out of C.R. No.0273 of 2023, registered at Patoda Police Station, Beed, Dist. Beed, dated 04.12.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.4 to 6.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE