



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1091 OF 2024

Vinod S/o. Narayan Jadhav,
Age : 40 Years, Occu. : Retired Army Officer,
R/o. Sudhakar Nagar Road,
Satara Parisar, Behind Bajaj Hospital,
Aurangabad, Tq. & Dist. Aurangabad.

.... Applicant

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Pahur Police Station, Pahur,
Tq. & Dist. Jalgaon.
2. Ashwini W/o. Nitin Deshmukh,
Age : 29 Years, Occu. : Household,
R/o. Chadradhar Nagar, Shendurni,
Tq. Jamner, Dist. Jalgaon.

.... Respondents

....
Advocate for Applicant : Mr. V.P. Latange
APP for Respondent No.1-State : Mr. S.A. Gaikwad
Advocate for Respondent No.2 : Mr. S.N. Lale Yelwatkar
....

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

Dated : 12th 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.269 of 2024, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Jamner, Dist. Jalgaon, arising out of Crime bearing No.0035 of 2024, registered with Pahur Police Station, Dist. Jalgaon, dated 31.01.2024, 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 31.01.2024, in which respondent No.2/informant averred that applicant No.1 is a co-brother of her husband. She married on 15.04.2022. It was an inter caste marriage. She happily cohabited with her husband for about four months. Her husband was serving in the Jain Homeopathy Medical College at Palaskheda, Tq. Jamner, Dist. Jalgaon. He was attending the college regularly by his bike. Once she saw the mobile handset of her husband. There was chatting between her husband and one woman. Therefore, she questioned her husband, but he quarreled with her.

4. The informant further averred in her report that her husband left the job at Jain Homeopathy Medical College. He joined

Chhatrapati Shahu Maharaj Hospital having day and night duty. Her husband was not bearing the expenses required for groceries. She was bearing all the expenses out of her salary. Quarrels used to take place between them on this or that count. Her husband used to beat and abuse her. She was bearing that harassment. Her parents and brother used to convince her husband, however, he continued her ill-treatment. Therefore, she went to her parents house.

5. The informant further averred in her report that her in-laws and maternal uncle of her husband viz. Vishwasrao Deshmukh, Sunilrao Deshmukh and the applicant along with cousin father-in-law viz. Yashwant Deshmukh came there and they started to harass her. Her in-laws were not allowing her to go to the deities' room. They were saying that her husband was about to get a doctor girl for his marriage. They said that "she was not fit for her husband and as per the custom of Maratha community, a gold bracelet is required". They demanded seven tolas gold bracelet for her husband. She said that, before eight to ten months, her father had incurred amount for her marriage, therefore, her father was not able to fulfill their demand. Her husband continued her harassment by abusing her, etc. Her father gave a gold chain to her husband. However, her harassment was continued by all the family members.

6. The informant further averred in her report that they were saying "you are not belonging to Maratha". Therefore, they were teasing and abusing her frequently. They all refused her to cohabit with her husband. She was driven out of the house only with her apparel. Therefore, from 26.05.2023, she is residing with her parents. She was expecting that after some days, her husband will fetch her back for cohabitation. Her parents and brother insisted her husband and other family members to fetch her back for cohabitation. But they said "do whatever you want, we will see you in the court". Therefore, she is residing at her parents house. On 04.11.2023, she made an application to the Women Cell at Bhusawal. There also, family members of her husband refused to take her back for cohabitation. Again, she made an application on 08.01.2024 to the Women Cell at Jalgaon. Her husband once came there and said in front of the committee members of the Women Cell that he will take her back for cohabitation. However, she was not being taken back for cohabitation. Therefore, she lodged the report.

7. Learned Advocate for the applicant submitted that the applicant is falsely implicated in the crime. General and vague allegations are made against the applicant. Though the specific incidents of cruelty are stated by the informant in the report and by

the witnesses in their statements, the fact of cruelty is not establishing against the applicant. False allegations of cruelty are made against the applicant. The essential ingredients of offences punishable under Sections 498-A, 323, 504, 506 of the I.P.C. are not establishing against the applicant. If he is compelled to face the trial, it would certainly be an 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 strong evidence of cruelty against the applicant. His name is mentioned in the F.I.R. The applicant treated the informant with cruelty and caused physical and mental cruelty and compelled her to reside at her parents house. 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 applicant is involved in the crime of treating the informant with cruelty. The specific incidents are stated by the informant in the report that the applicant came in her house and treated her with cruelty. The name of the applicant is mentioned in the F.I.R. There is strong evidence against the applicant to proceed further with the trial. Therefore, the application deserves to be rejected as there is reliable evidence

against the applicant to establish the requisites of offences punishable under Sections 498-A, 323, 504, 506 of I.P.C. He prayed to reject the application.

10. 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.

11. We have perused the charge-sheet, particularly the report and statements of witnesses. The statements of witnesses are similar to that of the report. Admittedly, the applicant is a co-brother of her husband and residing at Aurangabad. Though his name is mentioned in the report, his role is not specifically stated by the informant in the report as to when and how he came there to treat her with cruelty. It is crystal clear that he is falsely implicated in the crime without material evidence against him.

12. Considering all the aspects above reasons and law laid down in the authorities cited supra, if the applicant is 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 applicant. The application deserves to be allowed. Hence, the following order is passed.

ORDER

- I) The application stands allowed.
- II) The First Information Report and charge-sheet in R.C.C. No.269 of 2024, pending before the learned Judicial Magistrate First Class, Jamner, Dist. Jalgaon, arising out of Crime bearing No.0035 of 2024, registered with Pahur Police Station, Dist. Jalgaon, dated 31.01.2024, 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 applicant only.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE