



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2355 OF 2024

1. Dhananjay Shivdas Karad,
Age : 34 Years, Occu. : Agri.,
R/o. Rameshwar, Tq. & Dist. Latur.
2. Sagarbai Shivdas Karad,
Age : 75 Years, Occu. : Household,
R/o. Rameshwar, Tq. & Dist. Latur.
3. Shivdas Patilba Karad,
Age : 82 Years, Occu. : Agri.,
R/o. Rameshwar, Tq. & Dist. Latur.
4. Anita Kashinath Chate,
Age : 51 Years, Occu. : Household,
R/o. Ladzari, Tq. Parli,
Dist. Beed.
5. Trishila Sushil Jadhav,
Age : 37 Years, Occu. : Service,
R/o. Main Road, Kalpna Nagar,
Navin Bazar Peth Kallam,
Dist. Dharashiv.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Police Station,
Parli Rural, Tq. Parli,
Dist. Beed.
2. Vandana W/o. Dhananjay Karad,
Age : 32 Years, Occu. : Houshold,
R/o. Limbota, Tq. Parli,
Dist. Beed.

.... Respondents

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Advocate for Applicants : Mr. Kailas A. Kadam
APP for Respondent No.1-State : Mr. A.R. Kale
Advocate for Respondent No.2 : Mrs. J.R. Nawale (Appointed)
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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 18th 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 bearing No.29 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, Parli Vaijnath, Dist. Beed, arising out of Crime bearing No.0360 of 2023, registered with Parli Rural Police Station, Dist. Beed, dated 14.12.2023, 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. It is a case of the informant that applicant No.1 is her husband, applicant No.2 is her mother-in-law, applicant No.3 is her father-in-law and applicant Nos.4 and 5 are sisters-in-law.

4. Learned Advocate for the applicants pointed out the report dated 14.12.2023, in which respondent No.2/informant averred that she married with applicant No.1 on 24.02.2008 at Hanuman Mandir, Libota, Tq. Parli, Dist. Beed. In her marriage, dowry of Rs.1 Lakh, one ring and other household articles were given. In total, an amount of Rs.3 Lakhs was incurred for the said marriage. She begot two children viz. Shubham and Swara. After her marriage, for two years, she was treated well. Thereafter, the applicants started to harass her. They were saying that they want to perform the second marriage of applicant No.1. They were keeping her on starvation and harassing her. They were demanding divorce from her.

5. The informant further averred in her report that, on 06.06.2023, she was beaten and driven out of the house. On 19.10.2023, she made a complaint to the Women Grievance Redressal Cell, Parli. The matter could not be compromised as applicant No.1 refused to cohabit with her. The applicants said that "unless she bring the money, they will not allow her to cohabit" and also demanded divorce from her. Thereafter, 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 money and divorce 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 money and divorce. 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. She 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. Though it is lastly stated in the report that the applicants demanded money to her, it is not specified as to when and how much amount is demanded to her. Applicant Nos.4 and 5 are residing at different places. General and vague allegations of cruelty are made against the applicants. The essential ingredients of Sections 498-A, 323, 504, 506 of the I.P.C. to constitute the cruelty 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 bearing No.29 of 2024, pending before the learned Judicial Magistrate First Class, Parli Vaijnath, Dist. Beed, arising out of Crime bearing No.0360 of 2023, registered with Parli Rural Police Station, Dist. Beed, dated 14.12.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against the applicants.
- III) Fees of appointed Advocate is quantified at Rs.7,000/- (Rupees Seven Thousand Only), to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd