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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 813 OF 2024

1) Vinod Haridas Jadhav]
Age :- 38 Years, Occupation :- Service]

2) Smt. Sunita Haridas Jadhav]
Age :- 52 Years, Occupation :- Housewife]
Both, 1 & 2 residing at :-]
Sr.No. 819, House No.40,]
Adj.Vitthal Temple, Someshwarwadi,]
Pashan Pune, Maharashtra 411008] Applicants

V/s.

1) The State of Maharashtra]
(Thr.Wakad Police Station, Wakad,]
Pune)]

2) Smt.Shweta Vinod Jadhav]
Age :- 32 Years, Occupation :- Housewife]
R/o :- Yashoda Colony, Wakad Road,]
Dange Chawk, Thergaon,]
Pimpri Chinchwad, Pune]
Maharashtra 411035] Respondents

Mr. Shreyas P Barsawade (Thr. V.C.) for Applicants.

Smt. Prajakta P. Shinde, A.PP, for Respondent No.1-State.

Mr. Balwant V. Salunkhe for Respondent No.2.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

**RESERVED ON : 18th JUNE, 2025
PRONOUNCED ON : 29th JULY, 2025**

JUDGMENT (PER RAJESH S. PATIL, J.) :-

1) This Criminal Application is filed under Section 482 of Code of Criminal Procedure, 1973, by the accused, for quashing of C.R. No. 900 of

2023 registered with Wakad Police Station, Pune for the offences punishable under Sections 323, 377, 498A, 504 read with 34 of the Indian Penal Code further the charge-sheet filed thereof.

2) The FIR has been lodged against Applicant No.1, who is the husband and Applicant No.2, who is the mother-in-law of Respondent No.2. It is alleged in the FIR that Applicant No.1 and Respondent No.2 got married on 22nd January, 2022, which was an arranged marriage. It is alleged that, immediately after the marriage, Applicant No.1 forced Respondent No.2 to consume liquor. After one month of marriage, both Applicants started harassing Respondent No.2. After a while, Applicant No.1 informed Respondent No.2 that he was romantically involved with another lady and only because of his family pressure, he married Respondent No.2.

2.1) The Applicant No.1 used to indulge in altercation with Respondent No.2 over petty issues and Applicant No.2 used to support Applicant No.1, thereby dominating Respondent No.2. Hence, Respondent No.2 informed her parents about the said domestic violence, upon which her parents advised her to remain calm and assured her that the situation will change. However, the atrocities continued. In the month of February 2023, Respondent No.2 conceived from Applicant No.1. The Applicants thereafter cautioned Respondent No.2 from consuming any other food except the one provided by Applicants. They further warned Respondent

No.2 that she should only beget a male child with a fair complexion.

2.2) Accordingly, Applicant No.2 started administering medicines for 7 days which purportedly assist in begetting a male child. However, on 23rd March, 2023, Respondent No.2 suffered a miscarriage while she was at her parents house. On 1st May, 2023, Respondent No.2 returned back to her matrimonial house. Within few days of returning back, there was an altercation between Respondent No.2 and Applicant No.1 over a petty issue wherein he allegedly hurled epithets against her. The Applicant No.1 called the parents of Respondent No.2 and informed them about the altercation. The parents of Respondent No.2 on the very next day, visited the house of Applicants and made their best efforts to settle the disputes amicably. However, Applicant No.1 was adamant over his demand that Respondent No.2 shall leave the matrimonial home. As the efforts to resolve the dispute between Applicant No.1 and Respondent No.2 failed, Respondent No.2 had to leave her matrimonial home. Thereafter, Applicant No.1 expressed his disinclination to continue co-habitation with Respondent No.2 and immediately filed a divorce petition.

2.3) The Respondent No.2 thereafter moved an Application with Bharosa Cell, Pune Police, in order to resolve the disputes between her and Applicant No.1 amicably. However, as nothing fruitful could be achieved, Respondent No.2 filed the impugned FIR.

3) It is submitted on behalf of Applicants that, the FIR lodged by

Respondent No.2 is completely false, frivolous, concocted and the same has been lodged with a sole malafide intention for falsely implicating Applicants in the present case, so that they have to face the rigors of uncalled prosecution which would held no result and will kill the precious time of the Hon'ble Court. It is further submitted that anticipatory bail application of Applicants was allowed by the Sessions Court. The charge-sheet has already been filed and nothing comes out of it on reading of the charge-sheet.

4) Per contra, the learned Additional Public Prosecutor and Advocate for Respondent No.2 strenuously opposed the Application and submitted that, perusal of the FIR and charge-sheet would show that, there is ample material against both Applicants to proceed against them for the offence under Sections 323, 377, 498-A, 323, 504 read with 34 of the Indian Penal Code. The Applicant No.1 was in the habit of forcing Respondent No.2 for anal intercourse. It is further submitted that once charge-sheet is filed, this Court should not entertain the present Application. The statements of witnesses and the facts that have come on record clearly show that, the offences as alleged are made out against the Applicants. The Applicants/accused persons needs to face trial and the FIR and charge-sheet cannot be quashed, at this stage.

5) We have heard learned Advocates of both the sides and have considered the documents on record.

6) For quashing criminal proceedings under Section 482 of Criminal Procedure Code, it has to be seen whether the allegations in the complaint/F.I.R. and charge-sheet *prima facie* indicate that there are serious allegations against the accused persons of having committed an offence. Present Application has been filed by the accused who are related to Respondent No.2, being husband and mother-in-law respectively.

7) The specific allegations made in the FIR against Applicants, that after marriage, Applicant No.1 used to taunt Respondent No.2 on her physical features. He also used to force her to drink alcohol with him. The Applicant No.2 who is mother of Applicant No.1 and mother-in-law of Respondent No.2 used to support Applicant No.1 when he used to taunt Respondent No.2. It is also stated in the FIR that, when Respondent No.2 conceived from Applicant No.1, Applicant No.2 forced Respondent No.2 to take certain medicines on the grounds that on consuming the medicines, she will give birth to a fair male child. It is stated that due to the said medicines, there was miscarriage. In our view, it will be necessary to understand whether due to the said medicine which Applicants had given to Respondent No.2, there was a miscarriage. So also, there is specific allegation in the FIR that Applicant No.1 used to indulge into anal sexual intercourse with Respondent No.2.

8) The FIR in detail records specific allegations made by Respondent No.2, against both the Applicants. The police have recorded

statements of the witnesses and have accordingly filed the charge-sheet. A copy of the charge-sheet with statements is annexed to the present proceedings. After going through the same, one can gather that *prima facie* case is made out against the Applicants in consonance with the settled principles of law. In our view, in such a situation, the parties would be required to face trial.

9) The Supreme Court in the cases of (i) ***State of Haryana & Ors. vs. Ch. Bhajan Lal & Ors., AIR 1992 SC 604***, (ii) ***Rajeev Kourav vs. Baisahab & others, (2020) 3 SCC 317*** and (iii) ***Kaptan Singh vs. State of Uttar Pradesh and others, (2021) 9 SCC 35***, has held that, exercise of powers under Section 482 Cr.PC. to quash the proceedings is an exception and not a rule. Appreciation of evidence is not permissible at the stage of quashing of proceedings in exercise of powers under Section 482 of Cr.PC.

10) In a recent decision in the case of ***CBI vs. Aryan Singh, AIR 2023 SC 1987***, the Supreme Court has held that, while examining the power under Section 482, the High Court should not conduct a mini trial. Similarly in the case of ***State of Odisha vs. Pratima Mohanty and others, (2022) 16 SCC 703***, the Supreme Court has held that once the charge-sheet is filed, the High Court should be reluctant to quash the complaint. Paragraph no.8.2 of the Judgment reads as under :

8.2 It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases.

As per the settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under section 482 CrPC when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under section 482 CrPC the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this court the powers under section 482 CrPC are very wide, but conferment of wide power requires the court to be more cautious. It casts all onerous and more diligent duty on the Court.

[Emphasis supplied]

11) The Supreme Court in case of *Kahkashan Kausar alias Sonam & Others vs. State of Bihar & Ors.*, (2022) 6 SCC 599, while allowing the Appeal, in Paragraph No. 14 of its Judgment made observations about the Judgment of the Supreme Court in case of *Preeti Gupta vs. State of Jharkhand* (2010) 7 SCC 667. The said Paragraph No.14 reads as under:-

“ 14. Further in *Preeti Gupta v. State of Jharkhand*, it has also been observed: (SCC pp. 676-77, paras 32-36)

"32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues

without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable

harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of an amicable settlement altogether. The process of

suffering is extremely long and painful." "

[Emphasis supplied]

12) In the present proceedings, the charge-sheet has been already filed in the year 2024 before Judicial Magistrate First Class, 9th Court, Shivaji Nagar, Pune. As this Court had granted stay to the trial proceedings by Order dated 25th November, 2024 the matter before the Trial Court did not proceed further.

13) After considering the contents of FIR and the various documents on record annexed to the Charge-sheet, we are satisfied that *prima facie* it constitutes the ingredients of the offences alleged under Sections 498A, 323, 377, 504 r/w 34 of the Indian Penal Code. Taking into account the law as laid down by the Supreme Court in the decisions referred to above, we find that there are no merits in the present Application and the same deserves to be dismissed.

14) Before parting with this judgment, we would also like to note the conduct of Advocate appearing for Applicants, while arguing the matter. Today, he appeared virtually and even on the earlier date, advocate for Applicants did not appear physically before this Court and made his submissions on a virtual platform. As we found there were technical glitches in connection, we kept back the matter directing Advocate to appear physically before us, however, he did not attend the Court physically and made his submissions virtually. The conduct of Advocate for Applicants

even on the virtual hearing was not appreciable.

14.1) As Advocate appearing for Applicants offered to amicably settle the matrimonial discord by paying a one time lumpsum amount to Respondent No.2. Advocate appearing for Respondent No.2 responded on instructions with an offer of Rs.35,00,000/-. However, Advocate for Applicant No.1 only offered Rs.5,00,000/- as settlement amount.

14.2) It has been shown to us from the documents tendered by Advocate appearing for Respondent No.2, the financial status of Applicants as under :-

- (i) The ROC, records that shows Applicant No.1 is a director of company viz. Var Interiors Private Limited. Print of ROC records are tendered before this Court.
- (ii) The documents showing that, Applicants are residing in a house which is ground plus one storey with two shops in front side. In the cause title, it has been shown that Applicants are staying in this house at Pashan Area in Pune.
- (iii) 7/12 extract of land properties showing various lands in the name of Applicants.
- (iv) In Someshwari Wadi, Pune, there are nine rooms owned by Applicants.
- (v) An Ertiga Hybrid car is in the name of Applicant No.2.
- (vi) Two, two-wheelers one in the name of Applicant No.1

and another in the name of father of Applicant No.1.

(vii) One more house is owned by Applicants, which is ground plus two storey.

14.3) With such kind of financial status of Applicants, we are surprised with the one time settlement offer of Rs.5,00,000/- offered by Applicants to Respondent No.2. In the earlier hearing, Advocate for Applicants appeared online and submitted that the offer of Rs.35,00,000/- made by Respondent No.2, would be too big amount for Applicants to pay and they will require time to make arrangement for collecting the said amount. It is pertinent here to note that advocate for Applicants did not mention the length of time he requires to collect the said amount. However, on the next date, Advocate for Applicants only offered a sum of Rs.5,00,000/- as a one time settlement amount to be paid to Respondent No.2.

15) We are at pains to note that, the Advocate for Applicant is not considerate in following the observations made by the Supreme Court in Para No.14 in *Kahkashan Kausar's* case (supra).

16) Hence, the Criminal Application stands dismissed.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)