



IN THE JUDICATURE OF HIGH COURT AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1931 OF 2023

1. Kalidas Sopanrao Landge,  
Age : 60 Years, Occu. : Pensioner,  
R/o. Malang Plaza, Ausa Road,  
Latur, Tq. & Dist. Latur.
2. Sunita @ Sunanda Kalidas Landge,  
Age : 46 Years, Occu. : Household,  
R/o. Malang Plaza, Ausa Road,  
Latur, Tq. & Dist. Latur.
3. Pallavi Saurabh Holikar,  
Age : 35 Years, Occu. : Household,  
R/o. Flat No.7, Prajwal Heights,  
Line No.1, Gangarde Nagar,  
Pimple Gurav, Pune.
4. Smidha Mangesh Holikar,  
Age : 68 Years, Occu. : Household,  
R/o. Keshav Nagar, Latur,  
Tq. & Dist. Latur.  
At present R/o. Flat No.7,  
Prajwal Heights, Line No.1,  
Gangarde Nagar,  
Pimple Gurav, Pune.
5. Nemchand Kashinathrao Bubane,  
Age : 62 Years, Occu. : Agri. & Business,  
R/o. Padma Nagar, Latur,  
Tq. & Dist. Latur.

.... Applicants

**VERSUS**

1. The State of Maharashtra.
2. Alka Bhuvneshwar Landge,  
Age : 29 Years, Occu. : Household,  
R/o. Handral, Kasar Shirshi,  
Tq. Nilanga, Dist. Latur.

.... Respondents

....  
Advocate for Applicants : Mr. Fayaz K. Patel  
APP for Respondent No.1-State : Mr. V.K. Kotecha  
Advocate for Respondent No.2 : Mr. V.R. Jain  
....

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

**Dated : 02<sup>nd</sup> July 2025**

**ORDER [PER SANJAY A. DESHMUKH, J.] :-**

1. Heard learned Advocate for both 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.738 of 2023, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Nilanga, Dist. Latur, arising out of Crime bearing No.0093 of 2023, registered with Kasar Shirshi Police Station, Dist. Latur, dated 30.03.2023, for the offences punishable under Sections 498-A, 354-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

3. After hearing both sides, when this Court expressed disinclination to grant any relief to applicant No.1/father-in-law,

learned Advocate for the applicants sought withdrawal of the application to the extent of applicant No.1. Therefore, this application is dismissed as withdrawn against applicant No.1.

4. Learned Advocate for the applicants pointed out the report dated 30.03.2023, in which respondent No.2/informant averred that applicant No.2 is her mother-in-law, applicant No.3 is her sister-in-law, applicant No.4 is paternal aunt and applicant No.5 is a family friend of the other applicants.

5. The informant further averred in her report that she married with the son of applicant No.2 on 21.11.2016. In that marriage, a dowry of Rs.2.5 Lakhs and four tolas of gold ornaments were given. After the marriage, she was treated well for six months. Thereafter, her husband, applicant Nos.2 to 4 and father-in-law started to harass her. They used to beat her and doubt her character. They starved her. They demanded Rs.1 lakh to her for purchasing a sofa and television and treated her with cruelty.

6. The informant further averred in her report that her father-in-law attempted to be come closer to her and initiate intimacy with her. She did not allow him. Her husband had a friendship with

one Akash Holikar. He used to spend time with him, go out with him and stay with him till 12.00 a.m. at night. Her husband did not fulfill her rights as a wife. She did not have physical relationship with her husband as he was impotent. The said fact was concealed by the middleman viz. Nemchand Bubane. Once, on the day of marriage anniversary, her husband gifted her a sex instrument, therefore, she felt insecure.

7. The informant further averred in her report that she advised her husband to live separately. After two years of her marriage, her father-in-law performed marriage with applicant No.2 and told the reason that she was not ready to do as per his wish. Her father-in-law told her and her husband to stay separately and warned her not to disclose her husband's disorder to anybody. He said to her that he would provide medical treatment to her husband. Therefore, she believed him. Thereafter, newly married applicant No.2 also started to harass her.

8. The informant further averred in her report that she was bearing that cruelty as her parents' financial condition was not good. She informed this harassment to her parents. Her parents tried to convince her husband and the applicants not to harass her, but they did not pay any heed to them and continued the ill-treatment. Her

parents also reported that harassment to middleman viz. Nemchand Bubane i.e. applicant No.5 and requested him to convince her husband and the applicants. He, instead of trying to convince them, directed her parents to pay the demanded amount for purchasing a television and sofa to them. Thereafter, her husband, father-in-law and applicant Nos.2 to 4 frequently demanded money. She was not able to pay that amount. They took out the gold necklace of 1.5 tola and a Ganthan of 4 tolas and sold it. They drove her out of the house. Therefore, on 28.01.2023, she came to her parents house and on 30.01.2023, she made a complaint to the Women Grievance Redressal Cell, Latur.

9. The informant further averred in her report that her husband came at village Handral, where he hurled abuses to her on the count of complaint made by her to Women Grievance Redressal Cell, Latur. He threatened her to take back that complaint, otherwise he will not allow her to cohabit with him. The matter was not compromised between them at Women Grievance Redressal Cell, Latur. Thereafter, she lodged the report on 30.03.2023.

10. Learned Advocate for the applicants submitted that applicant Nos.2 to 5 are falsely implicated in the crime. General and

vague allegations are made against these applicants. 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 established from the entire charge-sheet against these applicants. False allegations of cruelty are made against these applicants. The essential ingredients of offences punishable under Sections 498-A, 354-A, 323, 504 and 506 of the I.P.C. are not established against these applicants. If they are compelled to face the trial, it would certainly be an abuse of the process of the Court. It is lastly prayed to allow the application.

11. Learned APP for the State strongly opposed the application and submitted that there is strong evidence of cruelty against applicant Nos.2 to 5. Their names are mentioned in the F.I.R. These applicants treated the informant with cruelty by demanding Rs.1 Lakh for purchasing a sofa and television and causing physical and mental cruelty. They compelled her to reside at her parents house. It is lastly prayed to reject the application.

12. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that applicant Nos.2 to 5 are involved in the crime of treating the informant with cruelty.

The specific incidents are stated by the informant in the report that these applicants treated the informant with cruelty by demanding Rs.1 Lakh for purchasing a sofa and television. The fact of impotency of the informant's husband was concealed by applicant No.5 and cheated the informant. The names of these 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 these applicants to proceed further with the trial. Therefore, the application deserves to be rejected as there is reliable evidence against these applicants to establish the requisites of offences punishable under Sections 498-A, 354-A, 323, 504 and 506 of the I.P.C. He prayed to reject the application.

13. 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.*



14. 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. The allegation of outraging modesty of the informant is made against her father-in-law. He has withdrawn the application.

15. As far as applicant Nos.2 to 4 are concerned, their roles are not specifically stated by the informant, particularly the overt act. General and vague allegations are made against these applicants, which are not sustainable. The essential ingredients of Sections 498-A, 354-A, 323, 504 and 506 of the I.P.C. to constitute the cruelty, etc. are not establishing from the charge-sheet against these applicants.

16. As far as applicant No.5 is concerned, he is not a relative of the informant's husband. Section 498-A of the I.P.C. stipulates that "*whoever, being the husband or the relatives of the husband of a woman, subject such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine*". The Hon'ble Supreme Court, in case of ***U. Suvetha Vs. State by Inspector of Police, [(2009) 6 SCC 757]*** observed that "*in the absence of any statutory definition, the term*

*'relative' must be assigned a meaning as is commonly understood. Ordinarily it would include father, mother, husband or wife, son, daughter, brother, sister, nephew or niece, grandson or granddaughter of an individual or the spouse of any person. The meaning of the word 'relative' would depend upon the nature of the statute. It principally includes a person related by blood, marriage or adoption".* Therefore, applicant No.5 cannot be prosecuted, as he is not a relative of the other applicants.

17. Considering all the aspects, above reasons and law laid down in the authorities cited supra, if applicant Nos.2 to 5 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 applicant Nos.2 to 5. The application deserves to be partly allowed. Hence, the following order.

### **ORDER**

- I) The application is partly allowed.
- II) The application is dismissed as withdrawn against applicant No.1.

- III) The First Information Report and charge-sheet in R.C.C. No.738 of 2023, pending before the learned Judicial Magistrate First Class, Nilanga, Dist. Latur, arising out of Crime bearing No.0093 of 2023, registered with Kasar Shirshi Police Station, Dist. Latur, dated 30.03.2023, for the offences punishable under Sections 498-A, 354-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against applicant Nos.2 to 5.

[ SANJAY A. DESHMUKH ]  
JUDGE

[ SMT. VIBHA KANKANWADI ]  
JUDGE

asd