

	<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST</u> <u>CLASS (COURT NO.2), AT PATHARDI,</u> <u>DIST. AHMEDNAGAR.</u> (Presided over by Shirishkumar D. Waghmare)	
	Date of Judgment:09.07.2026.	
	R.C.C. NO. 36/2017.	Exh.No.108.
	(Crime No.529/2016 of Pathardi Police Station)	
	Under section. 498-A , 323, 504 and 506 r/w 34 of the Indian Penal Code, 1860.	
Prosecution		The State of Maharashtra through officer in charge of Pathardi Police Station, Tal. Pathardi, Dist. Ahmednagar.
Represented by		Shri. A. B. Vidhate, Asst. Public Prosecutor.
Accused	1. 2. 3. 4. 5.	Dilip Sahebrao Bhosale, Age.: 40 Yrs., Occu. Labour, Sahebrao Kondiba Bhosale, Age.: 72 yrs., Occu. Agri., Vimal Sahebrao Bhosale, Age.: 69 yrs., Occu. Agri., 1 to 3 Are R/o.Damalwadi, Tal. Pathardi, Dist. Ahmednagar, Kavita Sopan Dorge, Age.: 41 yrs., Occu. Household, R/o: Wadgaon Gupta, Tal. Dist. Ahmednagar, Anita Balasaheb Zinjurke, Age.: 49 yrs., Occu. Household,

	6.	R/o: Kherde, Tal. Pathardi, Dist. Ahmednagar, Manisha Ganesh Sawant, Age.:39 yrs., Occu. Household, R/o:Wadgaon Gupta, Tal. Dist. Ahmednagar.
Represented by		Shri. J. T. Batule for accused.
Date of offence	:	26.10.2016.
Date of FIR	:	21.11.2016.
Date of Charge-sheet	:	17.01.2017.
Date of framing Charge	:	13.01.2020.
Date of commencement of evidence	:	21.10.2024.
Date on which judgment is reserved	:	-
Date of Judgment	:	09.07.2026.
Date of sentencing order if any	:	--

Accused Details :

Rank	Name of Accused	Date of Arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Sec. 428 of Cr. P. C..
1.	Dilip Sahebrao Bhosale,	The police released on notice.	13.01.2020	498-A 323, 504, 506 r/w 34 of the IPC.	Acquitted.	--	--
3.	Vimal Sahebrao	-//-	-//-	-//-	Acquitted.	--	--

Rank	Name of Accused	Date of Arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Sec. 428 of Cr. P. C..
	Bhosale						
4.	Kavita Sopan Dorge	-//-	-//-	-//-	Acquitted.	--	--
5.	Anita Balasaheb Zinjurke	-//-	-//-	-//-	Acquitted	--	--
6.	Manisha Ganesh Sawant	-//-	-//-	-//-	Acquitted	--	--

JUDGMENT

(Delivered On:09th July, 2026)

1. The accused are charge-sheeted for the offences punishable u/s. 498-A, 323, 504 and 506 r/w 34 of Indian Penal Code, 1860 (here-in-after referred to as 'IPC').

Prosecution's case in brief is as under:

2. Informant- Mrs. Pooja w/o. Dilip Bhosale married with accused No. 1 Dilip Sahebrao Bhosale, R/o. Damalwadi, Tal. Pathardi, Dist. Ahmednagar as per their cast customs and rites on 10.05.2014. After marriage she started residing with accused. Initially for a period of 6 months accused behaved well with her. Thereafter, they started

demanding Rs.10,00,000/- (Rupees Ten Lakhs) for purchase of plot at Ahmednagar. She tried to convince them as her fathers economic condition is not good. The accused used to keep her on starvation and assaulted and abused her and also keep her out off the house. She use to narrate the same to her parents and maternal uncle whenever she use to visit them.

3. On 26.10.2016 the accused demanded her money, assaulted her and thrown her out off the house. She resided with her parents for some days. Thereafter, when her parents took her to the house of accused for cohabitation they refused to cohabit her and abused them. Thereafter, she has lodged report in Pathardi Police Station against accused.

4. On the basis of report, offence was registered vide C.R. No. 529/2016 under sections 498-A, 323, 504 and 506 r/w 34 of Indian Penal Code. Investigating Officer ASI Shri. M. S. Pathan recorded statement of witnesses and after completion of investigation, the accused came to be charge-sheeted by PSO, Pathardi as mentioned above.

5. My learned predecessor has framed charge against accused persons vide Exh.22 under Section 498-A, 323, 504 and 506 r/w 34 of Indian Penal Code and explained particulars of Charge in vernacular to them and I am reproducing the same. Accused pleaded not guilty and claimed to be tried vide Exh.23 to 28. The defence of the accused is of false implication and total denial.

6. To establish the guilt of the accused, prosecution has examined informant as P.W. 1 Pooja Dilip Bhosale (Exh.59), P.W. 2 Baban Rajaram Aathare (Exh.71), P.W. 3 Ashruba Bajirao Jagadale (Exh.73),

P.W. 4 Mustak Sardar Pathan (Exh.91) (I.O). As against this, statements of accused u/s. 313 of Cr.P.C. recorded at Exh. 94 to 99. Their defence is that, in order to harass them the false case is lodged against them. Accused have not examined themselves or any other witness in support of their defence.

7. Heard Learned A.P.P. and learned Advocate for the accused. Perused record. Following points arise for my determination and I have recorded my findings against each of them for the following reasons.

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Does prosecution prove that, since after six months from 10.05.2014 till 26.10.2016 at Damalwadi, Tal. Pathardi, Dist. Ahmednagar in the house of accused, accused being husband and relative of husband in furtherance of their common intention subjected cruelty to informant Pooja on the demand of Rs.10,00,000/- for buying plot from her parental house and thereby accused have committed an offence p/u/s. 498-A r/w 34 of I.P.C ?	: In the negative.
2.	Does the prosecution proves that on the above mentioned date, time and place accused in furtherance of their common intention assaulted and voluntarily caused hurt to the informant and thereby committed offence p/u/s. 323 r/w 34 of I.P.C ?	: No.

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
3.	Does the prosecution proves that on the above mentioned date, time and place accused in furtherance of their common intention in order to provoke the informant intentionally insulted her and thereby committed offence p/u/s. 504 r/w 34 of I.P.C ?	: No.
4.	Does the prosecution proves that on the above-mentioned date, time and place accused in furtherance of their common intention threatened the informant of injury and caused alarm to her and thereby committed offence p/u/s. 506 r/w 34 of I.P.C ?	: No.
5.	What order ?	: As per final order.

REASONS

AS TO POINT NOS.1 TO 4:

8. The points being part of the same set of facts in order to avoid repetition they are taken up for discussion together.

9. The learned A.P.P Shri. A. B. Vidhate submitted that, P.W. 1 to P.W.4 have clearly stated that, accused have ill treated the informant on account of demand of Rs.10,00,000/- (Rupees Ten Lakhs) from informant for buying plot. He further submitted that, the evidence of all the witnesses corroborate with each other and the prosecution has established that, accused committed the offence of cruelty and all the ingredient of the offence as alleged are made out. He prayed to convict the accused.

10. Per contra Learned advocate for accused Shri. J. T. Batule submitted that, the prosecution has not established the offence of cruelty beyond reasonable doubt. The prosecution failed to prove that, there was no option to the informant to cause harm herself or to commit suicide. The allegation are of general nature and omnibus statements were made by the witnesses. Moreover, no specific roles of the accused are stated by the prosecution witnesses. The prosecution has not examined any independent witness. Thus, he prayed to acquit accused.

11. The accused have place reliance on the following authorities:

- a. The State of Madhya Pradesh Vs. Suresh Kaushal & Anr. 2001(3) Crimes 314(SC).
- b. Mayabai Gajanan Wagh Vs. Gajanan Madhukar Wagh & Ors. [2002(1)MAH LR.806]
- c. Deokabai Vs. Namdev Dhoke 1995(2) Crimes 443.
- d. Shekhar Amonkar Vs. State 1995(2) Crimes 1.
- e. Smt. Vandana W/o Shridhar Pise Vs. Shridhar Kisan Pise & Ors. 2004 ALL MR (Cri.) 452.

12. Prosecution must establish the cruelty within the meaning of provision of **Section 498-A of I.P.C** as follows:

"498A. Husband or relative of husband of a woman subjecting her to cruelty. - Whoever, being the husband or the relative of the husband of a woman, subjects 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.

Explanation. - For the purposes of this section 'cruelty' means -

(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman;

(b) harassment of the woman where such harassment is with a view to coercing her to any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

Cruelty has been defined by the explanation added to the Section itself. The basic ingredients of Section 498A I.P.C. are cruelty and harassment. The elements of cruelty so far as clause (a) is concerned, have been classified as follows :

- (i) any 'wilful' conduct which is of such a nature as is likely to drive the woman to commit suicide; or*
- (ii) any 'wilful' conduct which is likely to cause grave injury to the woman; or*
- (iii) any 'wilful' act which is likely to cause danger to life, limb or health, whether physical or mental of the woman.*

The elements of cruelty so far as clause (b) is concerned, have been classified as follows :

- (i) harassment of the woman with a view to coercing her or to any person related to her to meet any unlawful demand for any property or valuable security*

- (ii) *Such harassment is account of failure by her or any person related to her to meet such demand.*

The prosecution in order to prove offence punishable under **Section 323 of I.P.C** must establish that:

- i) *Voluntary hurt caused to another person by the accused, and*
- ii) *Such hurt results into bodily pain, disease, or infirmity.*

In order to prove offence punishable under **Section 504 of I.P.C** the prosecution has to establish following ingredients:

- i) *The accused had the intention to insult the person.*
- ii) *The intention was to cause provocation, and*
- iii) *The accused knew that the provocation will cause the person to breach public peace or commit an offence.*

To bring home the offence punishable under **Section 506 of I.P.C** the prosecution has to prove:

- i) *Threatening to a person/reputation/property or other persons or reputation of person in whom the person is*
- ii) *Threat must be with intent to cause alarm to that person or to cause him to do any act which is not legally bound to do as the means of avoiding the execution of such threat.*
- iii) *To cause that person who omit to do any act which the person seized legally entitled to do to avoid execution.*

13. Informant P.W. 1 deposed that, she married with accused No.1 on 10/05/2014 at Lokhandwadi, Tal. Aashti, Dist. Beed. After her marriage she started residing at Damalwadi, Tal. Pathardi, Dist. Ahmednagar

along with her father in law, mother in law, husband and three sister in laws. The sister in laws were married. During the first six months accused behaved well with her. Thereafter, her mother in law and father in law started demanding Rs.10,00,000/- (Rupees Ten Lakhs) for purchase of plot. It has further come in her evidence that, she stated them that, her parents are not capable of giving the said amount. The accused thereafter, started mental and physical cruelty and also used to assault her. She was sent to her parents house, however, her uncle convinced the accused and sent her for cohabitation. Even then the accused use to harass her. Thereafter, on 26.10.2016 she lodged report Exh.60 against the accused.

14. During her cross examination she admitted that, her three sister in laws were married and are residing at their marital houses. She admitted that, accused No.1 is the only son of accused no.2 and 3 and his economic condition is sound. She also admitted that, accused are having irrigated land. She also admitted that, three to four cases are pending between her and accused. She admitted that, till 12.10.2016 she was residing with the accused and regarding the incident happened on 12.10.2016 accused have lodged RCC No.16/2017 against her, her mother, father and uncle.

15. PW.2 is the maternal uncle of PW.1. He deposed that, his niece married accused No.1 10 to 12 years ago. Thereafter, the accused treated her well for the initial 7 to 8 months and started demanding Rs.10,00,000/- (Rupees Ten Lakhs). As the parents of PW.1 are poor they could not fulfill the demand. On that count accused started assaulting her and thrown her out off the house.

16. During cross examination of P.W. 2 admitted the relation with

Ankush Gore, Ajana Jagdale and Ashruba Jagdale. He also admitted that, informant is not residing with her father Ashruba. He further admitted that, on their say informant lodged cases. He also admitted that, he did not frequently visited informant.

17. P.W. 3 deposed that, the informant is his daughter and accused No.1 is her husband, accused No.2 and 3 are mother and father in law and accused No.4 to 6 are her sister in laws. His daughter married with accused No.1 on 10.05.2014. Thereafter, for about one year accused cohabited well with her and started demanding Rs.10,00,000/- for purchasing plot in Ahmednagar. Due to poor economic condition he could not fulfill the demand and on that count informant returned to his house. He sent her for cohabitation however, accused demanded money. Thereafter, the report is lodged in the police station.

18. During cross examination P.W. 3 admitted that, accused No.1 is the only son to his parents and his daughter was their loving daughter in law. He also admitted that, economic condition of accused No.1 is good. He admitted that, the dispute started after 12.10.2016 and he visited accused for the same. He also admitted that, after the discussion the cases are filed.

19. P.W. 4 is the Investigating Officer. He deposed that, as per the investigation order Exh.92 he has conducted the investigation in the present case. During investigation he recorded statement of witnesses and after collection of sufficient evidence he has filed charge-sheet in the Court.

20. During cross examination P.W. 4 admitted that, he has not examined independent witnesses. He also admitted that, accused No.1 has also lodged non cognizable offence against informant.

21. The prosecution has come with the case that, the accused demanded Rs.10,00,000/- (Rupees Ten Lakhs) for purchase of plot at Ahmednagar and on the non fulfillment of the same the accused treated informant with cruelty, abused and assaulted her. The perusal of evidence of PW.1 to PW.3 shows that, they have stated the demand of Rs.10,00,000/- (Rupees Ten Lakhs) for purchase of plot however, no specific incident of the said demand is attributed to the specific accused except PW.1 who stated it to be made by accused No.2 and 3. The evidence of PW.1 to 3 regarding the alleged assault, abusing is also without any specific date, time or place.

22. The evidence of PW.1 and PW.3 shows that, the economic condition of accused No.1 is sound. It has also come in their evidence that, accused No.1 is having irrigated land. Their evidence also shows that, accused No.1 was the only son of accused No.2 and 3 and accused No.4 to 6 were married and were residing at their marital houses. When the economic condition of accused No.1 is sound enough the demand of Rs.10,00,000/- (Rupees Ten Lakhs) for purchase of plot has to be proved by the prosecution through evidence beyond reasonable doubt.

23. PW.4 who is the investigating officer admitted during his cross-examination that, no independent witness has been examined by him during investigation. So also, PW.1 to PW.3 are the close relatives of informant. The evidence of PW.1 to PW.3 as already mentioned is not specific about the role of the accused as well as regarding the date, time and place.

24. The Hon'ble Supreme Court in ***"The State of Madhyapradesh Vs. Suresh Kaushal & Anr. 2001(3) Crimes 314(SC)"*** held that, while dealing with the issue of territorial jurisdiction held the quashing of

proceeding on the ground of lack of territorial jurisdiction improper. The present authority being on the point of territorial jurisdiction and is not an issue in the present case the same is not useful to the accused.

25. The Hon'ble Bombay High Court in ***"Mayabai Gajanan Wagh Vs. Gajanan Madhukar Wagh & Ors. [2002(1)MAH LR.806]"*** held that, where except general allegations regarding cruelty no material details were given by the witnesses and the allegations were omnibus in nature the acquittal of accused is proper. The present case applicable in the facts and circumstance of the present case.

26. The Hon'ble Bombay High Court in ***"Deokabai Vs. Namdev Dhoke 1995(2) Crimes 443"*** held that, when the case about cruel treatment is extremely vague, general in nature the acquittal need not be interfered with. The present case also relates to statements which are general and vague. Hence, the present case is applicable and useful to accused.

27. The Hon'ble Bombay High Court in ***"Shekhar Amonkar Vs. State 1995(2) Crimes 1"*** held that, where the evidence of witnesses is not supported by medical evidence and there is no independent corroboration the evidence of interested witnesses is not reliable. In the instant case also there are no independent witnesses and the evidence is general in nature without any specific allegation against accused.

28. The Hon'ble Bombay High Court in ***"Smt. Vandana W/o Shridhar Pise Vs. Shridhar Kisan Pise & Ors. 2004 ALL MR (Cri.) 452"*** held that, where there is no ill treatment or harassment to wife for alleged demand of money the offence punishable under Section 498-A is not attracted.

29. I am guided by decision of Hon'ble Supreme Court In ***Smt. Raj Rani v. State (Delhi Administration); AIR 2000 SC 3559***, the Hon'ble

Supreme Court held that, while considering the case of cruelty in the context to the provisions of Section 498A I.P.C, the court must examine that allegations/accusations must be of a very grave nature and should be proved beyond reasonable doubt.

30. The Hon'ble Supreme Court in ***Gurbux Singh Vs. Harminder Kaur (2010) 14 SCC 301*** reiterating the guidelines laid down in ***Samar Ghosh vs. Jaya Ghosh, (2007) 4 SCC 51 at page 546.s***

101. No uniform standard can ever be laid down for guidance, yet we deem it appropriate to enumerate some instances of human behaviour which may be relevant in dealing with the cases of "mental cruelty". The instances indicated in the succeeding paragraphs are only illustrative and not exhaustive:

XXX

XXX

(x) The married life should be reviewed as a whole and a few isolated instances over a period of years will not amount to cruelty. The ill conduct must be persistent for a fairly lengthy period, where the relationship has deteriorated to an extent that because of the acts and behaviour of a spouse, the wronged party finds it extremely difficult to live with the other party any longer, may amount to mental cruelty.

31. The Informant P.W. 1 has not specifically stated the incidents of cruelty either mental or physical. Moreover, she is silent about the specific roles played by accused No.1, 4 to 6 in the alleged incident. In the instant case the evidence of PW.2 and 3 is also of general nature without specific allegations and are omnibus statements.

32. PW.1 and PW.3 have admitted that, accused is only son of accused no.2 and 3 and their economic condition is sound. Under such

circumstances, instances made out from the prosecution evidence appears to be quarrel between the spouse which are in a nature of usual wear and tear in the course of domestic interactions.

33. In such circumstance, in the absence of independent evidence to this effect it can not be said that accused has demanded money. The evidence of P.W. 1 to P.W. 4 does not disclose any willful conduct which was of such a nature that it is likely to drive her to commit suicide or to cause grave injury or danger to life, limb or health. It also does not show that the husband of the informant acted, with a view to coerce her or any person related to her to meet any unlawful demand of any property or valuable security. It also can not be said that accused with common intention treated P.W. 1 with cruelty. There is no evidence regarding the threat given by accused to P.W.1. The evidence if taken at its entirety does not show any element of mental cruelty to P.W.1. Thus, in the facts and circumstances of the case and ratio laid down by accused *Mayabai (Supra)*, *Deokabai (Supra)*, *Shekhar (Supra)*, *Smt. Vandana (Supra)* and in *Smt. Raj Rani's Case and Gurbux Singhs Case* (Supra) it can not be said that, the allegations are grave and prosecution proved them beyond reasonable doubt. There is no specific evidence regarding the date, time and place of alleged demand, abuse and assault in the evidence of PW. 1 to PW. 4. Moreover, there is no evidence regarding the threat or abuse. Hence, I answer point no.1 to 4 in the Negative.

POINT NO. 5 :-

34. The allegations made by P.W.1 are without any specific details. No specific role of accused no.1 and 4 to 6 is mentioned. This is a case where there was a total absence of allegations for the offences punishable under Section 498-A, 506 r/w. 34 of I.P.C for its proof

beyond reasonable doubt. Hence, the prosecution has utterly failed to bring home the guilt of the accused beyond reasonable doubt, hence the accused are entitled to the benefit of doubt. In the result I proceed to pass following order:

O R D E R	
1.	Accused 1. Dilip Sahebrao Bhosale, 2. Sahebrao Kondiba Bhosale, 3. Vimal Sahebrao Bhosale, 1 to 3 Are R/o. Damalwadi, Tal. Pathardi, Dist. Ahmednagar, 4. Kavita Sopan Dorge, R/o: Wadgaon Gupta, Tal. Dist. Ahmednagar, 5. Anit Balasaheb Zinjurke, R/o: Kherde, Tal. Pathardi, Dist. Ahmednagar, 6. Manisha Ganesh Sawant, R/o: Wadgaon Gupta, Tal. Dist. Ahmednagar is hereby acquitted vide section 248(1) of the Code of Criminal Procedure, 1973 from the offences p/u/s.498-A, 323, 504, 506 r/w 34 of the IPC.
2.	The bail bonds of the accused stands cancelled.
3.	Accused shall execute P.R. and S.B. of Rs.15,000/- each as compliance of section 437-A to appear before the appellate Court as and when such Court issues notice in respect of any appeal or petition filed against this Judgment and order.
	(Dictated directly on computer to the Stenographer, script checked, revised and pronounced in the open Court)

**Date : 09.07.2026.
Pathardi.**

**(Shirishkumar D. Waghmare)
J.M.F.C., (Court No.2)Pathardi.**

LIST OF PROSECUTION/DEFENCE/COURT WITNESS**A-Prosecution:-**

Rank	Name	Exhibits Numbers/ Nature of Evidence
PW.1	Pooja Dilip Bhosale	Exh.No.59 Informant/Injured
PW.2	Baban Rajaram Aathare	Exh.No.71 Witness.
PW.3	Ashruba Bajirao Jagdale	Exh.No.73 Witness.
PW.4	Mustak Sardar Pathan	Exh.No.91 I.O.

B- Defence Witness if any

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Nil.

C- Court Witness if any

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Nil.

LIST OF PROSECUTION/DEFENCE/COURT EXIHIBITS**A- Prosecution:-**

Sr. No.	Exhibit Number	Description
1.	Exh.No.60/PW.1	F.I.R
2.	Exh.No.92/PW.4	Investigation Order

B- Defence :-

Sr. No.	Exhibit Number	Description
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C-Court Exhibits :-

Sr. No.	Exhibit Number	Description
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D- Material Objects :-

Sr. No.	Exhibit Number	Description
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CERTIFICATE

I affirm that the contents of this P.D.F. file order/judgment are same word for word as per original judgment.

<i>Name of steno</i>	<i>Manjusha Rajendra Sanap,</i>
<i>Name of court</i>	<i>Shirishkumar D. Waghmare, Jt.C.J.J.D. & J.M.F.C., Pathardi, Dist. Ahmednagar.</i>
<i>Judgment/order Dictated Date</i>	09.07.2026
<i>Judgment/order Transcribed and signed by Presiding officer on</i>	09.07.2026
<i>Judgment/order uploaded on</i>	09.07.2026

