

<u>MHNS130006662021</u> 	Received on	:	11.06.2021		
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PART – A

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
PIMPALGAON (B), TQ. NIPHAD, DIST. NASHIK
(Presided over by: V. W. Khendad)

R.C.C. No.71/2021
EXH. NO: 61

		F.I.R.NO:10/2021 Pimpalgaon(B) Police Station
Prosecution	:	State of Maharashtra Through Police Inspector, Police Station Pimpalgaon(B), Dist. Nashik.
Represented by	:	Shri. S. L. Jorvar, Learned Assistant Public Prosecutor for the State.
Accused	:	1) Nisar Rafiqshah Inamdar , Age-35 Yrs, Occu-Agri, 2) Rafiqshah Inamdar , Age-78 Yrs, Occu-Agri, 3) Gulshan Rafiqshah Inamdar , Age-65 Yrs, Occu-Agri, 4) Naseema Rafiqshah Inamdar , Age-35 Yrs, Occu-Agri, 5) Ashpak Rafiqshah Inamdar , Age-26 Yrs, Occu-Agri, 6) Ansar Rafiqshah Inamdar , Age-29 Yrs, Occu-Agri, All R/o-Andarsul, Tq.Yevala. Dist. Nashik.
Represented by	:	Shri Adv. Pravin B. Hadole

Part 'B'

1	Date of Offence	:	15.06.2020 to 01.08.2020
2	Date of F.I.R	:	26.01.2021
3	Date of Charge-sheet	:	11.06.2021

4	Date of Farming of charge	:	21.02.2025
5	Date of commencement of evidence	:	02.08.2025
6	Date on which judgment is reserved	:	27.03.2026
7	Date of the Judgment	:	27.03.2026
8	Date of the Sentencing order, if any	:	Nil

Accused Details

Rank Of the Accused	Name of The Accused	Date of Arrest	Date of Release On Bail	Offences charged With	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr. P.C
1	Nisar Rafiqshah Inamdar,	28.01.2021	15.03.2021	U/ Sec. 498A, 323, 504, 506 r.w 34 of IPC	Acquitted	NA	NA
2	Rafiqshah Inamdar	28.01.2021	15.03.2021				
3	Gulshan Rafiqshah Inamdar	28.01.2021	24.10.2024				
4	Naseema Rafiqshah Inamdar	28.01.2021	24.10.2024				
5	Ashpak Rafiqshah Inamdar	28.01.2021	15.03.2021				
6	Ansar Rafiqshah Inamdar	28.01.2021	15.03.2021				

JUDGMENT **(Delivered on 27/03/2026)**

Accused nos.1 to 6 are prosecuted for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860. (In Short I.P.C.)

Brief facts of the case: -

2. Accused no.1 is husband of the complainant. It is the case of the prosecution that their marriage was solemnized on 30/05/2020 as per Muslim rites and rituals. Entire expenses of the said marriage were borne by her father. After marriage she started cohabiting with accused at Andarsul village, Tq. Yewala. Accused no.1 to 6 were residing in joint family. After 15 days of her marriage the accused persons started illtreating her. The ill-treatment was on account of an unlawful

demand of Rs.15,000, 00/- for the purpose of growing his business and for purchasing house in Nashik. The informant was subjected to starvation. Accused no.1 assaulted the informant and abused her with filthy language several times.

3. On 31/07/2020 accused persons abused her in filthy language and kicked out of the house in order to cause her to bring money from her parents. She informed her brother Shoyeb and Faruk about the demand and incident of kicking her out of the house. Her brothers came and requested her in-laws to take her back in the house. They denied to take her back. Out of sheer helplessness, she had to go to her parent's home along with her brothers. She narrated entire incident to her parents. Her parents called accused and requested to take her back, but they denied to take her back. Thus, on 06/11/2020 she moved to Mahila Suraksha Vibhag, Adgaon, Nashik. As her husband was not ready to live separately with complainant at Nashik, the Complainant lodged a report against her husband and in-laws alleging cruelty, unlawful demand of dowry, assault, and criminal intimidation.

4. On this basis crime came to be registered vice Cr. No.10/2021 with Pimpalgaon (B) Police station for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the I.P.C, 1860.

5. Investigation Officer Police Constable Ramdas Baburao Gangurde PC/225 ('the I.O.' for short) expanded the investigation. Upon completion of the investigation and after finding sufficient material on record, the Investigating Officer submitted the charge sheet against the accused persons for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the I.P.C.

6. My learned predecessor has framed charge against the accused persons for the offences punishable under 498-A, 323, 504 and 506 read with Section 34 of the I.P.C, 1860., at Exh.31. Charge was read over and explained to accused, to which they pleaded not guilty and claimed to be tried. Accordingly, their plea is recorded at Exh.33 to 37. Accused no.1 to 6 were examined under section 313 of the Criminal Procedure Code at Exh.55 to 60 respectively explaining therein the incriminating circumstances. The defence which is gathered from the cross examination and from their statements under section 313 of the Code of Criminal Procedure is of total denial and false implication.

7. Heard the learned A.P.P. Shri. S.L Jorvar for the state and learned Advocate Shri. P.B. Hadole for accused persons. Following points aroused for determination. I have recorded my findings along with reasons thereon.

SR. No.	POINTS FOR DETERMINATION	FINDINGS
1.	Does the prosecution prove that accused nos.1 to 6, in furtherance of their common intention, subjected the Complainant to physical and mental cruelty and thereby they have committed an offence punishable under Section 498-A read with Section 34 of the Indian Penal Code?	NO.
2.	Does the prosecution prove that accused nos.1 to 6, in furtherance of their common intention, subjected the Complainant to cruelty for fulfilment of unlawful demand and thereby committed an offence punishable under Section 498-A read with Section 34 of the Indian Penal Code?	NO.

3.	Does the prosecution prove that accused nos.1 to 6, in furtherance of their common intention, voluntarily caused hurt by slaps and blows and thereby committed an offence punishable U/Sec.323 with Section 34 of the Indian Penal Code?	NO.
4.	Does the prosecution prove that accused nos.1 to 6, in furtherance of their common intention, intentionally insulted complainant and thereby gave provocation to her intending that such provocation would cause her to commit the breach of public peace and thereby committed an offence punishable U/Sec.504 with Section 34 of the Indian Penal Code?	NO.
5.	Does the prosecution prove that accused nos.1 to 6, in furtherance of their common intention, committed criminal intimidation by threatening the Complainant and thereby you have committed an offence punishable under Section 506 read with Section 34 of the Indian Penal Code?	NO.
6.	What Order?	As per final order.

:: REASONS ::

Essential ingredients

8. In order to prove guilt of the accused persons U/sec.498-A of the I.P.C. The prosecution must establish the following ingredients that: -
- i. Woman must be married,
 - ii. She must be subjected to cruelty and harassment, said cruelty or harassment must be inflicted by the husband or any relatives of the husband, Cruelty or harassment must be of such nature as:-

- a) To drive the woman, commit suicide or be to cause grave injury or danger to life, limb or health (whether mental or physical) or
- b) To coerce her or her relative to meet any unlawful demand for brought or valuable security or on account of failure to meet said demand.

9. Furthermore, section 323 mandates the voluntarily causing hurt by the accused. To invoke Section 34 of I.P.C., the prosecution must prove that a criminal act was done by several persons, act was done in furtherance of common intention of all and participation of the accused in the commission of the said act is established.

10. The evidence available on record in view of the above-mentioned legal position comprises the testimony of 4 witnesses. The details at a glance are enumerated in Part-C attached herewith. The prosecution failed to examine further witnesses. Thus, evidence of the prosecution is closed. Prosecution has also relied on the Statement of complainant (फिर्याद) at Exh.40. On the basis of such oral and documentary evidence, as well as giving full regards towards the heavy burden on the prosecution under criminal law, let us see whether the evidence is sufficient to connect the accused with alleged crime. As against this, the accused have neither entered into the witness box nor examined any witness in their defence.

11. In offences of the present nature, allegations are very easily made and once made, it is very difficult to dislodge them. One has to be satisfied that, the evidence is such, which can lead to an unhesitating conclusion that the same is true, unbiased and un-exaggerated. The evidence has to be such that, it inspires confidence and on which, an order of conviction can safely be passed.

Admitted facts: -

12. It is not in dispute that PW-1/Complainant got married to accused No.1. Accused no.1 is husband, accused no.2 is father-in-law, accused no.3 is mother-in-law, accused no.4 is sister-in-law and accused no.5 and 6 are brothers-in-law of the complainant. After the marriage, PW-1 resided in her matrimonial home along with the accused persons. Due to family dispute PW-1 wished to live separately along with husband alone at Nashik.

AS TO POINT NO. 1 to 3:-

13. Point nos.1 to 3 are interlinked with each other and the evidence on this point is similar, therefore, they are discussed together to avoid repetition. To prove allegations, the prosecution has first examined the Complainant as PW-1 at Exh.39. Complainant as PW-1. deposed that she got married with accused no.1 on 30/05/2020. After marriage for first 15 days, she was well treated and thereafter accused used to throw her out of the house and starve her. Accused used to asked her to bring amount of Rs.15 lacs from her parents and used to assault her over fulfillment of demand made. She further deposed that she called her brother and explained her in-laws that he cannot give amount demanded. Her brother asked accused no.1 to live separately with complainant at Nashik to which accused no.1 refused. In her chief she has deposed that due to this she came to her parent house at Pimpalgaon. she further deposed that they attempted to reason with the accused but as they refused to listen, complaint filed a written complaint against them with Mahila Suraksha Vibhag, Adgaon, Nashik.

14. PW-1 further deposed that accused no.1 appeared before Mahila Suraksha Vibhag at Adgaon; he was ready to take her to matrimonial

house but refused to live separately with complainant at Nashik. She further deposed on 31/07/2020 Accused kicked her out of the matrimonial house for the fulfillment of demand of Rs.15 lacs. PW-1 further deposed that she lodged report to the Pimpalgaon (B) police station which is at Exh.40.

15. To test her veracity, the defence has cross examined PW-1. During the cross-examination, PW-1 denied the suggestion that she did not want to live in joint family. She denied suggestion that she herself left her matrimonial house on. 01/08/2020. She further admitted that she doesn't want to live with accused no.1 and wants divorce from accused no.1. She admitted that accused no.1 instituted R.C.S no.11/2022 against her. She also admitted she had filed application under Sec.125 Code of Criminal Procedure, for maintenance in Pimpalgaon. To corroborate the testimony of PW-1, the prosecution has examined PW-2 and PW-3.

16. PW-2 deposed that complainant is her sister-in-law. Complainant got married with accused no.1 on 30/05/2020. She further deposed they had given complainant all the useful household items and gold ring in marriage. After marriage, she went to live in Andursul, Tq.Yevala. She used to live there with accused No. 1 to 6. After marriage, the accused treated complainant well for a few days. After that, accused used to harass over petty issues and starve her. She further deposed that accused used to scold complainant and complainant when told her husband, he said atmosphere at their home is just like this; she will get used to it. She deposed, accused no.1 does business of C.C.T.V services and sales at Satpur, Nashik. Accused used to taunt and insult her. She further deposed accused used to ask complainant to bring amount of Rs. 15 from her parents for growing business of accused no.1 and to purchase house in Nashik.

17. PW-2 further deposed that on 31/07/2020 accused abused complainant in filthy language, assaulted and kicked complainant out of her matrimonial house for the fulfilment of demand of Rs.15 lacs. At that time complainant informed about the incident over phone call to her husband Shoyeb and brother Farukhnd. Thereafter, Shoyeb and Faruk went at Andarsul and requested her in-laws to take her back in the house. They denied to take her back for co-habitation with accused no.1. She deposed out of sheer helplessness, Shoyeb and Faruk brought her to Pimpalgaon with them. She deposed on 06/11/2020 Complainant filed written complaint to Mahila Suraksha Vibhag, Adgaon, Nashik. As her husband was not ready to live separately with complainant at Nashik, there accused no.1 refused to live with complainant at Nashik. She deposed they thought accused would harass complainant and thus, they took complainant back to her parental house at Pimpalgaon. Therefore, complainant had filed a complaint against the accused at Pimpalgaon (B) Police Station. The police had recorded her statement.

18. To test the veracity of the PW-2, defence cross examined her. She stated she can read Marathi, after recording her statement it was read over and explained to her by her husband. She admitted that she had never visited Andarsul. She also admitted that she knows what her husband had told her. She stated on 31/07/2020 accused had demanded amount of Rs.15 lacs from complainant. She further admitted that she is testifying on the basis of information provided by her husband. Further, she denied all the suggestions. Evidence of PW-2 clearly shows that her testimony is purely based on information provided by her husband and she has no direct knowledge of the facts or incident of alleged harassment, verbal abuse and incident occurred. She came to know about the it from her husband. Evidence of PW-2 being hearsay cannot be solely relied upon.

19. PW-3 Shoyeb deposed that complainant is her sister. She got married with accused no.1 on 30/05/2020. They had given complainant all the useful household items and gold ring in marriage. After marriage, for the first 15 days, they treated her well. Thereafter, they began to make disparaging remarks regarding her household chores and verbally abused her, specifically targeting her natal family. He further deposed that they demanded a sum of Rs.15 lacs for the purpose of purchasing a house in Nashik. He deposed, complainant's husband does business in Nashik and when he used to leave for work, the other members of the family would starve her, force her to perform chores and physically assault her. He further deposed that on 31/07/2020 in-laws verbally abused her and evicted her from the house, declaring that they would not take her back unless she returned with demanded money. He deposed complainant called him, and thus, he and his brother Faruq went to Andarsul, requested her in-laws, however they refused to listen and thus they brought her to parental home at Pimpalgaon.

20. PW-3 further deposed that, they made repeated attempts to mediate the situation, over the phone and in person, however, Nisarshah refused to take her back to the Nashik to live with him. On 06/11/2021 they lodged complaint with Mahila Suraksha Vibhag, Adgaon Nashik however, he once again refused to live with her. Therefore, they filed complaint at Pimpalgaon Police station, demanding that Nisarshah to either take complainant back to Nashik for co-habitation or grant her divorce.

21. PW-3 in his cross examination admitted that he has read his statement before testimony. He further admitted that he cannot recall on what date demand of Rs.15 lacs was made. He voluntarily deposed

that on 31/07/2020 while expelling her from the house, they had demanded Rs.15 lacs; however, he cannot when such demand was made prior to that date. He admitted that in between 30/05/2020-31/07/2020 she frequently travelled back and forth between her parental home and her matrimonial house. He admitted on 31/07/2020 she had come to parental home for her visit and she did not return to her matrimonial house. He further admitted that her sister at Mahila Suraksha Vibhag, stated that she did not wish to return to her matrimonial home to reside there and she wished to separate from Nisarshah and be free. He admitted that accused no.1 refused for separation demanded. He denied all other suggestions.

22. PW-4 is investigating officer, who reiterated as per FIR. He deposed that on 26/01/2021 he was attached to Pimpalgaon police station. At that time Station Duty Officer A.B Pawar assigned investigation of Crime no.10/2021 for the offence punishable u/sec.498-A, 323, 504, 506 of I.P.C. he had such written orders, which is at Exh.53. After perusal of statement, he recorded statements of the witnesses. He attached documents given by complainant including marriage photo (**Article A**) and marriage card (**Article B**) with Statement. He deposed spot of incident was Andarsul, Tq.Yevala, therefore he on 27/01/2021 with permission of his senior officer went to spot. He deposed he then prepared Spot Panchanama.

23. PW-4 in his cross examination he denied the suggestion that he did not prepare any spot Panchanama by visiting the spot of incident. He admitted that spot Panchanama prepared by him is not with chargesheet filed. He denied that he did not recorded statement of surrounding people present at spot of incident. He denied suggestion that he has examine statements of close relatives of complainant only.

He deposed accused kicked complainant out of the house for demand of money. He then admitted investigation revealed that on 31/07/2020 complainant's brother had gone to her matrimonial home to bring her back to her parental home visit. He admitted that investigation also revealed that thereafter the complainant did not return to her matrimonial home to reside/co-habit. He denied all other suggestions.

24. To bring home an offence punishable under Section 498-A of the Indian Penal Code, 1860, prosecution is required to establish that the woman was subjected to cruelty by the husband, his relatives and that such cruelty was either of nature likely to drive her to commit suicide or to cause grave injury or danger to life, limb, or health, or that such cruelty was with a view to coerce her or her relatives to meet unlawful demands for property or valuable security. In the present case, prosecution has mainly relied upon the testimony of PW-1, PW-2 and PW-3 to establish the alleged cruelty. P.W.1 has alleged harassment, mental and physical cruelty including demand of Rs.15,00,000. However, I found major contradiction in the statements of the PW-1 and PW-3. From chief of PW-1 it appears that she wanted to live separately with accused no.1 at Nashik. She alleges kicking out of house over fulfilment of demand of money, however, during her chief examination she herself deposed that accused no.1 refused to live separate at Nashik, therefore she came to her parental house at Pimpalgaon. In cross examination she has admitted that accused no.1 was ready to take her to her matrimonial house. She also admitted that she doesn't want to live with accused no.1 and wants divorce from accused no.1.

25. Further, it is evident that testimony of PW-2 regarding the alleged acts of cruelty is based primarily on information provided by

her husband and she has no direct knowledge. She admittedly did not visit the matrimonial home ever. Consequently, her evidence in respect of cruelty remains hearsay and does not constitute direct evidence of wilful conduct as contemplated under Sec. 498-A I.P.C. PW-3 It is alleged that on 31/07/2020 in-laws verbally abused her and evicted her from the house, declaring that they would not take her back unless she returned with demanded money. PW-3 came to know this over phone call of complainant. Thus, he and his brother Faruq went to Andarsul, requested her in-laws, however they refused to listen and thus they brought her to parental home at Pimpalgaon. But in cross he admitted that on 31/07/2020 she had come to parental home for her visit and she did not return to her matrimonial house.

26. Evidence on record clearly shows that PW-1 wanted to live separate with accused no.1 but as he refused, on 31/07/2020 she herself came to her parental house for visit and did not return back. Evidence of these three witnesses also shows that accused no.1 was ready to take to her matrimonial home. However, as admitted by PW-3 before Mahila Suraksha Vibhag, Adgaon the complainant had stated that she did not wish to return to her matrimonial home to reside there and she wished to separate from Nisarshah and be free. Admittedly, accused no.1 refused for separation demanded. As there are contradictions in the evidence of PW-1 and PW-3, their evidence is not convincing and reliable. Even assuming that an isolated incident of assault has occurred, the prosecution has failed to establish that the accused subjected PW-1 to cruelty of continuous nature or of such severity as is contemplated under Section 498-A I.P.C.

27. Mere allegations of harassment or stray incidents, without cogent and reliable evidence showing wilful and continuous conduct, are

insufficient to constitute an offence under the said provision. Also, the prosecution has failed to examine any independent eye-witnesses. In the absence of corroboration, the sole testimony of cannot be safely relied upon to establish Cruelty under Section 498-A of the I.P.C. The prosecution has already failed to establish the essential ingredients of the offence under section 498-A I.P.C., through cogent and reliable evidence. The weakness in the prosecution case arises not merely from the manner of investigation, but from them absence of substantive evidence to prove cruelty contemplated under law.

28. So far as Sec.323 is concern, though the informant deposed that, accused persons assaulted her there is no cogent and convincing evidence to prove the fact that accused voluntarily caused hurt to the informant. Thus, the prosecution has failed to prove beyond reasonable doubt that the accused persons voluntarily caused hurt to complainant The evidence on record is insufficient, uncorroborated, and does not establish continuous or wilful cruelty. It also does not establish an act of voluntarily causing hurt. Accordingly, I answer **Point No. 1 to 3 in the negative.**

As to Point No. 4 and 5-

29. In order to prove Sec.504 and Sec.506, the prosecution has to prove that the person insulting intended or knowing it to be likely that such provocation will cause her to break public peace or to commit any other offence and accused intentionally threatened the Complainant with injury and that such threat caused alarm to her. In the present case, there is no evidence on record that, the accused insulted the informant, abused her and thereby gave provocation to her intending or knowing it to be likely that such provocation will cause her to break public peace. Likewise, PW-1 has not specifically stated as to how

accused persons threatened her or that the alleged threat caused such alarm as to compel her to act in a particular manner. In such circumstances prosecution has failed to prove the allegations of intentional insult and criminal intimidation at the hands of the accused persons. Accordingly, I answer **Point No.4 and 5** in **negative**.

As to Point No.6-

30. As an ultimate outcome of above discussion is that, the prosecution has failed to establish the cruelty at the hands of accused persons and also failed to prove allegations of voluntarily causing hurt, intentional insult and criminal intimidation by the accused persons in furtherance of their common intention. The evidence of prosecution witnesses is not sufficient to prove the guilt of the accused beyond reasonable doubt, which is required under criminal law. Hence, accused persons are entitled to the benefit of doubt. Accused persons are entitled for acquittal of the offences punishable under Section 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860. In view of that as an answer to **Point No.6**, I pass following order;

:: ORDER ::

1. The accused 1) Nisar Rafiqshah Inamdar, 2) Rafiqshah Inamdar, 3) Gulshan Rafiqshah Inamdar, 4) Naseema Rafiqshah Inamdar, 5) Ashpak Rafiqshah Inamdar and 6) Ansar Rafiqshah Inamdar are acquitted of the offences punishable U/Sec.498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 vide Section 248(1) of the Code of Criminal Procedure, 1973.
2. The bail bonds and surety bond of accused persons stand cancelled. They are set at liberty.

3. Accused to comply with Section 437-A of the Code of Criminal Procedure, 1973 and directed to furnish personal bond of Rs.15000/-each with surety bond of like amount.

(Judgment dictated and pronounced in the open Court.)

Sd/-xxx

(**Varsha W. Khendad**)

Judicial Magistrate First Class,
Pimpalgaon (B), Dist.Nashik

Place : Pimpalgaon (B)
Date : 27/03/2026.

PART C- LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES**A. Prosecution witnesses**

Sr. No.	NAME	RANK	NATURE	EXH. NO.
1.	Afsana Nisar Inamdar	PW-1	Informant	Exh. 39
2.	Sadab Shoyeb Shaikh	PW-2	Witness	Exh. 42
3.	Shoyeb Usman Shaikh	PW-3	Witness	Exh. 46
4.	Ramdas Baburao Gangurde	PW-4	I.O	Exh. 52

B. Defence Witnesses, if any:

Sr. No.	NAME	RANK	NATURE	EXH.NO.
- Nil-				

C. Court witness: -

Sr. No.	NAME	RANK	NATURE	EXH.NO.
Nil				

LIST OF COMPLAINANT/ DEFENSE/ COURT EXHIBITS**A. Prosecution.**

Sr.No.	Exhibit Number	Description
1.	Exh.40	Report

B. Defence Exhibits: -

Sr.No.	Exhibit Number	Description
1.	NIL	NIL

C. Court Exhibits: -

Sr.No.	Exhibit Number	Description
1.	Exh.31	Charge
2.	Exh.32 to 37	Statement of accused
2.	Exh.55 to 60	Statement of accused U/S.313 of Cr.P.C

D. Material Objects:

Sr.No.	Description	Exhibit Number
1.	NIL	NIL

Sd/-xxx

(**Varsha W. Khendad**)

Place : Pimpalgaon (B)

Date : 27/03/2026.

Judicial Magistrate First Class,
Pimpalgaon (B), Dist.Nashik**CERTIFICATE**

I affirm that the contents of this PDF file are same, word to word as per the original.

Name of Stenographer : Smt.B.H.Gavit
 Name of the Court : Extra Jt. C.J.J.D. and J.M.F.C.,
 Pimpalgaon(B), Dist.Nashik
 Order / Judgment Date : 27/03/2026.
 Judgment signed by : 27/03/2026.
 Presiding Officer on
 Judgment Uploaded on : 27/03/2026.