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	Registered On	02/11/ 2022
	Decided On	13/06/2025
	Duration	Yrs. Mths. Dys. 02 07 10

Form No.XXXII

Part 'A'

(Title Page of Judgment)

[Para 44(i) of Chapter VI of Criminal Manual]

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
SHINDKHEDA,
TAL. SHINDKHEDA, DIST. DHULE**

**Presided over by : Smt. Vinita A. Naik,
Judicial Magistrate First Class, Shindkheda**

[Date of Judgment- 13/06/2025]

[RCC No.115/2022]

CNR No-MHDH0600015832022

	(Crime No.112/2022 - Police Station, Shindkheda)
Prosecution	The State of Maharashtra Through the Officer-in-Charge, Shindkheda Police station, Taluka-Shindkheda, District-Dhule.
Represented by	Ld. A.P.P. Shri. C.P. Chavan
Accused	1. Sukdev Rameshwar Koli,

CNR No-MHDH060015832022

	Age-26 Yrs. Occu.- Labourer. 2. Ratnabai Rameshwar Koli, Age-45 Yrs. Occu.- Household and Labourer. 3. Rameshwar Shiva @ Shivaji Koli, Age-53 Yrs. Occu.- Labourer. 4. Rajendra @ Rajesh Rameshwar Koli, Age-28 Yrs. Occu.- Education & Labourer. All R/o- Asli, Tal.Shirpur, Dist.-Dhule. 5. Nitin Rameshwar Koli (Since deceased- Abated)
Represented by	Ld. Adv. Shri. M.D.Sonawane

Date of Offence	30/05/2015 to 25/05/2022
Date of FIR	25/05/2022
Date of Charge-sheet	02/11/2022
Date of Framing of Charges	25/01/2023
Date of commencement of evidence	22/01/2024
Date on which Judgment is reserved	13/06/2025
Date of the Judgment	13/06/2025
Date of the Sentencing Order, if any	--

Ran k of the	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Wheth er acquitt	Sent ence Imp	Period of Detention Undergon
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Acc used					ed or convict ed	osed	e during Trial for purpose of Section 428, Cr.P.C.
1.	Sukdev Rameshwar Koli	23.09. 2022	23.09. 2022	U/s 498- A, 323, 504 and r/w.34 of the Indian Penal Code	Acquit ted	--	--
2.	Ratnabai Rameshwar Koli	23.09. 2022	23.09. 2022		Acquit ted	--	--
3.	Rameshwar Shiva @ Shivaji Koli	23.09. 2022	23.09. 2022		Acquit ted	--	--
4.	Rajendra @ Rajesh Rameshwar Koli,	23.09. 2022	23.09. 2022		Acquit ted	--	--
5.	Nitin Rameshwar Koli,	23.09. 2022	23.09. 2022		Abate d	--	--

LIST OF PROSECUTION / DEFENSE / COURT WITNESSES

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE
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		WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Bhatabai @ Rajashri Sukdev Salve	Informant
PW2	Krishna Jagan Koli	Informant's Brother
PW3	Nanabhau Tumadu Koli	Informant's Father
PW4	Arunabai Nanabhau Koli	Informant's Mother
PW5	Gulab Bhika Thakre	Investigating Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1	Exh.26	FIR

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.	Material Object Number	Description
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JUDGMENT

(EXH.32)

(Delivered On 13/06/2025)

The accused nos. 1 to 4 are facing the trial on the accusations for having subjected the informant to cruelty, voluntary causing hurt by assaulting her, intentionally insulting by abusing her with intent to provoke her, all by sharing common intention, to be more specific, for the offences punishable under Sections 498-A, 323, 504 and r/w.34 of the Indian Penal Code. (for the sake of brevity, hereinafter referred to as the 'IPC').

Stated in brief, the case of prosecution is as under :-

2. The informant got married with accused no.1 Sukdev on 27.05.2015 at village-Ajnal, Taluka - Shirpur, Dist- Dhule as per their religious customs and rituals. The accused no.2 and 3 are mother-in-law and father-in-law of the informant respectively. The accused no.4 and 5 are brothers-in-law of the informant. It is alleged that the informant was treated well for few initial days after her marriage. Thereafter, all the accused used to taunt her from time to time by saying her father had not given them sufficient dowry and had not given them due respect during marriage ceremony. The accused persons used to harass the informant mentally and physically by calling her, 'infertile' and used to ask her to bring Rs.2,00,000/- from her parents for the purpose of medical treatment. The informant was unable to fulfill the demand of the accused

due to indigence of her parents. She tried to convince the accused persons as to her inability to bring such a huge amount. However, the accused persons got enraged and used to beat the informant often by abusing her in a filthy language. The accused persons used to subject the informant to physical and mental harassment by taking doubt on her character.

3. It is further alleged that the accused persons often used to demand money from informant's parents. They used to abuse and assault the informant for having not fulfilled their demand for money. Therefore, the informant divulged about their behaviour to her relatives. Her relatives tried to reconcile between the accused persons and the informant. However, in spite of the utmost efforts by the informant's relatives, there was no change in the behaviour of the accused persons. The accused persons are thereafter alleged to have driven the informant out of the matrimonial home.

4. It is further also alleged that the accused persons did not turn up to take the informant back for cohabitation. Therefore, the informant made an application to Women's Complaint Redressal Forum, Dhule. However, the accused persons did not appear before the forum and thus, the proceedings could not be initiated there. Thereafter, the informant reported the incident to Shindkheda Police Station. On the basis of the report with above said allegations, crime No.112/2022 came to be registered against accused persons for the offences punishable under Sections 498-A, 323, 504, r/w.34 of I.P.C and its investigation

was handed over to Shri. G.G.Thakre, Assistant Sub- Inspector, Sindkheda police station. In the course of the investigation, shri. Thakre recorded statements of the witnesses, obtained wedding invitation card and wedding ceremony photos of the informant and accused no.1, issued notices to the accused persons u/s.41-A of the Cr.P.C. Since he found sufficient evidence against the accused persons, he filed charge-sheet as a result of completion of investigation.

05. The charge was framed against the accused no.1 to 5 at Exh.16. The contents of charge were read over and explained to the accused persons in Marathi, to which they pleaded not guilty and claimed to be tried. However, vide order dt. 06/03/2025 passed below Exh 1, the matter came to be abated against the accused no. 5 due to his death.

06. In view of the facts and circumstances of the case and in the light of the evidence and rival submissions advanced by the respective learned advocates, the following points arise for determination of this Court. The findings are recorded against the same followed by reasons :-

Sr.No.	Points	Findings
1.	Whether the prosecution proves that from 2 to 3 days after 27.05.2015 till 25.05.2022 at Asli, Taluka- Shirpur, District- Dhule and at Acchi, Taluka- Shindkheda, District- Dhule, the	No.

	accused no.1 being husband of the informant and the accused no.2 to 4 being relatives of accused No.1, in furtherance of their common intention, subjected the informant to cruelty and thereby committed an offence punishable under section 498-A r/w.34 of the Indian Penal Code ?	
2.	Whether the prosecution proves that during the aforesaid period and at places, the accused persons, in furtherance of their common intention, voluntarily caused hurt to the informant and thereby committed an offense punishable under section 323 r/w.34 of the Indian Penal Code ?	No.
3.	Whether the prosecution proves that during the aforesaid period and at places, the accused persons, in furtherance of their common intention, intentionally insulted the informant by filthy words, and thereby gave provocation to her intending that such provocation would cause her to break the public peace or to commit any other offence, and thereby committed an offence punishable under section 504 read with section 34 of the Indian Penal Code ?	No.

4.	What order ?	The accused nos.1 to 4 are acquitted.
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EVIDENCE

07. To bring home the guilt of the accused nos.1 to 4, the prosecution has relied upon the oral and documentary evidence as mentioned in Part 'C'. The prosecution has examined in all 5 witnesses and relied upon the documents, details of which are given in the aforementioned chart. On incriminating aspect in the prosecution evidence, the accused were examined under Section 313(1)(b) of Cr.P.C at Exh. 39 to 42. Wherein they have denied their complicity in the case by claiming false implication and total denial of the accusations.

ARGUMENTS FOR PARTIES

08. The learned A.P.P. has argued that all the witnesses have remained stick up to the case of prosecution and have deposed accordingly. The FIR (Exh.26) has been duly proved through the evidence of the informant (PW1) and her testimony is consistent with it. Her oral evidence of cruelty has been corroborated by the evidence of Krushna (PW2), Nanabhau (PW3) and Arunabai (PW4). The witnesses have not given any material admissions during their cross- examinations.

It is further submitted that it could be concluded that the informant (PW1) was treated with cruelty by accused no. 1 to 4. Such harassment to the informant by accused persons was with a view to coerce her to meet the unlawful demand of Rs.2,00,000/-. Thus, essential element of section 498-A, 323,504 r/w 34 of the IPC are made out in this case. Thus, the learned A.P.P. has submitted that the prosecution has proved its case beyond any reasonable doubt. Hence, the learned A.P.P. has prayed that maximum punishment be awarded to the accused.

09. The learned advocate for the accused persons has argued that the allegations levelled against the accused no. 1 to 4 are general and vague. There are material inconsistencies in the testimonies of prosecution witnesses. The prosecution witnesses rendered vital admissions during their cross-examinations. Importantly, Krushna (PW2), Nanabhau (PW3) and Arunabai (PW4) examined by the prosecution are informant's family members and thus, are interested witnesses. No independent witness have been examined by the prosecution. It is submitted by learned advocate for the accused that the prosecution has failed to prove its case beyond any reasonable doubt. Hence, he has prayed that the accused no. 1 to 4 may kindly be acquitted.

REASONS

As to point no. (i) to (iii) :-

10. As points no. (i) to (iii) are interlinked with one another being

a part of the same transaction and as evidence in respect of them is interlinked, they are discussed together in order avoid overlapping and repetition.

11. The provisions of section 498-A of the IPC is as under -

Section 498-A of IPC- “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 extent to three years and shall also be liable to fine.”

Explanation- For the purpose of this section, “Cruelty” means-

(a) any willful conduct which is of such a nature 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; or (b) harassment of the woman where such harassment is with a view to coercing her or 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.”

The provision of section 323 of the IPC is as under – “Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.”

The provision of section 504 of the IPC is as under- “Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

12. In order to prove guilt against the accused persons the prosecution has examined the informant Bhatabai @ Rajashri Sukdev Koli. The informant (PW1), during her examination-in-chief, has deposed about the accused no.1 to 5 asking her to bring Rs.2,00,000/- from her parents for the purpose of medical treatment. She has further deposed about her expressing inability to meet such demand owing to indigence of her parents. It is also deposed that accused persons used to call her, ‘infertile.’ The informant (PW1) deposed that she thereafter divulged her parents about the ill-treatment by the accused. The informant’s brother Krushna (PW2) has deposed during his examination-in-chief about accused persons beating the informant and asking her to bring Rs.2,00,000/- for medical treatment. Krushna (PW2) has further deposed that informant used to inform them that accused often beat, abuse her for their demand of money and drove her out of the matrimonial house due to her inability to fulfill their demand for money. It is further deposed that in-spite of all the harassment by the accused, the informant used to return to the matrimonial house for cohabitation, however, the accused continued harassing the informant.

13. Informant's father Nanabhau (PW3) has also deposed during his examination-in-chief that all the accused used to demand Rs.2,00,000/- from the informant for the purpose of medical treatment. It is further deposed that due to indigence he could not fulfill the demand of the accused due to which they got enraged and ask the informant to leave the matrimonial house. Nanabhau (PW3) has further deposed that accused no.1 i.e. his son- in-law is in the habit of consuming alcohol and used to beat the informant under the influence of alcohol. The informant's mother Arunabai (PW4) has deposed during her examination-in-chief that accused have not treated the informant well for even seven days out of her stay of seven years in her matrimonial house. Arunabai (PW4) has deposed that accused often used to beat the informant by calling her, 'infertile.' It is further deposed that accused used to demand Rs.2,00,000/- from the informant for medical treatment of accused no.1 but they could not fulfill their demand due to poor financial condition. It is also deposed that all the accused had beaten the informant as she could not bring money from her parents and drove her out of the house. Arunabai (PW4) has further deposed that thereafter the accused neither came to take back the informant to their house nor did they inquire about her.

14. It is pertinent to note that the F.I.R (Exh 26) corroborates evidence of the informant (PW1) only up to certain extent. However, it is also essential to mention here that that the informant (PW1), her brother Krushna (PW2) and her father Nanabhau (PW3) have categorically admitted in their cross- examinations that they have not filed any

complaint at Shirpur Police Station against the accused prior to filling of the F.I.R in the present matter regarding harassment to the informant by the accused. Thus, the possibility that the F.I.R (Exh 26) has been lodged afterthought by the informant (PW1) cannot be ruled out and thus, is unsafe to be relied upon. Further, the informant's brother Krushna (PW2) and her father (PW3) have not deposed about all the accused harassing the informant by calling her, 'infertile.' Thus, there appears inconsistency in the evidence of informant (PW1), her brother Krushna (PW2) and her father Nanabhau (PW3). Such admissions and inconsistency in the evidence of prosecution witnesses creates a doubt about the genuineness of prosecution's case.

15. Also at this juncture, it is imperative to take into consideration the meaning of term 'cruelty' contained in provisions of section 498-A of IPC for assessment of guilt of the accused persons as alleged by the prosecution. It is pertinent to mention here that the Hon'ble Bombay High Court in Brahmaji Namdeo Patil vs. State of Maharashtra 2018 ALLMR (Cri) 3611 has observed in para no. 9 and 10 as under -

"It is worth to mention that no any matrimonial or other statute has anywhere defined "cruelty", but for the first time the nature of "cruelty" has been defined u/s.498-A of I.P.C. The definition of cruelty mentioned above consists two parts, namely, (a) and (b). It is necessary for the prosecution to prove that its case falls under any of "the two categories mentioned above

though in some cases clauses (a) and (b) of explanation may overlap. The clause (b) of explanation to section 498-A of IPC itself concerns with the harassment on account of dowry demand while clause (a) takes care of cruelty for reasons other than dowry demand. It has been prescribed that any willful conduct which is of such nature as is like to drive the woman to commit suicide or to cause grave injury or danger to life, limb or mental or physical health of the woman, would be termed as ‘cruelty’ under definition of section 498-A of IPC. The clause (b) denotes harassment of the woman as cruelty where such harassment is caused with a view to coercing her or 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 meet such demand.

“At this juncture, it is to be noted that word “harassment” used in clause (b) of the explanation of sec.498-A of the I.P.C. again has no where been defined in this section or any where in the penal code or any other statute. Therefore, in view of dictionary meaning, it appears that the word “harassment” implies some continuous course, though not necessarily on a large number of occasions, but it may not take within its fold only one such solitary incident of harassment. This of

course will depend upon the facts and circumstances of each case. Therefore, it must be borne in mind that mere harassment is not enough to prove charges under Section 498-A of IPC, it must be with a view to coercing the wife or any person related to her to meet any unlawful demand for any property or valuable security or it should be on account of failure by her or any person related to her to meet such demand. It is evident from the clause (b) of Explanation under Section 498-A of IPC that all types of harassment of a woman are not covered by the definition of cruelty.”

16. The intense scrutiny of evidence of the informant (PW1), her brother Krushna (PW2), her father Nanabhau (PW3) and her mother Arunabai (PW4) reflects that they have deposed that accused used to harass the informant for their demand of Rs. 2,00,000/- for the purpose of medical treatment and used to beat, abuse her for not fulfilling their demand for money. However, the allegations against the accused are vague and general in nature. It does not describe the particulars of the harassment meted out to the informant by the accused. The specific incidents regarding the accused subjecting the informant to harassment and specific roles played by each accused person has not come on record through the evidence of the prosecution witness.

17. Further, it is also essential to mention that the evidence of the informant (PW1), her brother Krushna (PW2), her father Nanabhau

(PW3) and her mother Arunabai (PW4) is silent as to in what manner the accused persons had been beating the informant (PW1). Moreover, their evidence is also silent with regard to what kind of injury, if any, was suffered by the informant (PW1) at the hands of either of the accused persons. Thus, the evidence of the informant (PW1), her brother Krushna (PW2), her father Nanabhau (PW3) and her mother Arunabai (PW4) is vague with regard to the accused persons beating the informant (PW1) on the count of her failure to meet their demand for money. Their evidence is found to be insufficient so as to believe that the accused persons in furtherance of their common intention, voluntarily caused hurt to the informant (PW1).

18. It is also pertinent to note that the evidence of the informant (PW1), her brother Krushna (PW2), her father Nanabhau (PW3) and her mother Arunabai (PW4) is altogether silent as to either of the accused persons abusing the informant (PW1) in foul language and thereby insulting her. Thus, there is no iota of evidence on record to establish that the accused persons intentionally insulted the informant with intent to provoke her to commit breach of public peace or any other offence.

19. Thus, in the facts of the present case it is clear that there is no cogent and sufficient evidence on record to enable the court to arrive at the conclusion that the essential ingredients of 'Cruelty' as envisaged in section 498-A of the IPC. The stray statements about beating and maltreatment would not be sufficient to constitute cruelty in absence of particular details. In the view of aforesaid discussion, it is concluded that

the evidence adduced by the prosecution is not cogent, trustworthy and sufficient, to believe that accused nos. 1 to 4, in furtherance of their common intention, subjected the informant (PW1) to 'cruelty' within the meaning of section 498-A of the IPC, so as to attract the said penal provision against them. From aforesaid material on record, it could not also be believed that the accused persons committed offences under section 323, 504 of the IPC. Hence, points no. (i) to (iii) are answered in negative.

As to point no. (iv) :-

20. In view of above discussion I find that the prosecution has failed to prove its case beyond any reasonable doubt by leading sufficient, cogent and reliable evidence. Therefore, in the light of findings to point Nos.(i) to (iii) in the negative, the accused no. 1 to 4 cannot be connected with any of the offences alleged against them or with which they are charged and tried. In the result, they deserve acquittal. In view of the provisions of s.437-A of the Cr.P.C., the accused persons need to be directed to execute bail bonds with sureties to appear before the Hon'ble Appellate Court. Hence, in answer to point no. (iv) the following order is passed :-

ORDER

- 1] The accused no. 1] Sukdev Rameshwar Koli, accused no. 2]
Ratnabai Rameshwar Koli, accused no. 3] Rameshwar Shiva @

Shivaji Koli, accused no. 4] Rajendra @ Rajesh Rameshwar Koli are acquitted of the offence punishable under section 498-A, 323, 504 R/w 34 of Indian Penal Code, 1860 vide section 248(1) of the Criminal Procedure Code.

- 2] The bail bonds of the accused no. 1 to 4 stand canceled and sureties stands discharged.
- 3] The accused no. 1 to 4 are directed to execute PR in the amount of Rs.15,000/-(Rupees Fifteen Thousand Only) each along with SB of one solvent surety each in the like amount, binding them to appear before the Appellate Court as and when required, vide section 437-A of the Criminal Procedure Code.

(Dictated and pronounced in open court)

Place : Shindkheda

(Vinita A. Naik)

Date : 13/06/2025

Judicial Magistrate First Class,
Shindkheda

- Certificate -

I certify that the contents of this PDF File are word to word as per Original Judgment / Order.

Name of the Steno : Sachin A. Pardeshi
Name of the Court : Civil Court Junior Division, Shindkheda.
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Sd/-
Stenographer (L.G.)