

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR.**

**Second Appeal No.78/2014**  
**(Shankarsinha Narayansinha Parihar .vs. Sau. Mina w/o Shankarsinha**  
**Parihar )**

-----  
Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders

Court's or Judge's orders.

---

Mr. A.V. Bhide, Advocate for Appellant.  
Mr. S.S. Dhengale, Advocate for Respondent.

**CORAM : A.V. Nirgude, J.**  
**DATED : MAY 06, 2015.**

Heard.

The plaintiff/husband has filed this appeal challenging concurrent findings of the Courts below holding that he failed to prove his case of cruelty against respondent/wife. The learned counsel for the appellant repeatedly asserted that the respondent filed a criminal case under Section 498-A of the I.P.C. against the husband and that itself would amount to a cruel conduct. He also added that the criminal case ended in acquittal and this will fortify the assertion. I am afraid this cannot be a ground for divorce. Filing of criminal case is a reaction to certain action. According to the respondent/wife she was ill-treated and, therefore, she was constrained to approach Police. Had she not been ill-treated, she would not have gone to Police. So filing a case itself will not amount to cruelty unless the husband independently proves that for achieving some ulterior object, a false criminal case is filed etc. Acquittal in such criminal case is of no consequence while deciding

dispute of civil side. The Courts below rightly held that the husband could not prove the ground of cruelty.

The appeal does not give rise to any substantial question of law. Appeal stands dismissed.

**JUDGE**

halwai