

1

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.372 OF 2019

Ku.Dipali Subhash Umkar,
Aged about 27 years, occupation student,
R/o Niwana, taluka Sangrampur,
District Buldhana. Applicant.

:: VERSUS ::

1. The State of Maharashtra, through
Police Station Officer, Police Station Daryapur,
Taluka Daryapur, District Amravati.

2. Sau.Megha Shyam Giri,
Aged about 32 years, occupation household,
R/o Anandpara Niwas, Banosa,
Daryapur, taluka Daryapur, District Amravati. Non-applicants.
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Shri A.B.Mirza, Counsel for the Applicant.
Shri M.V.Rai, Counsel for Non-applicant No.2.
Shri T.A.Mirza, Additional Public Prosecutor for Non-applicant
No.1/State.
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CORAM : V.M.DESHPANDE, & AMIT B.BORKAR, JJ.
DATE : AUGUST 10, 2021

ORAL JUDGMENT (Per : V.M.Deshpande, J.)

1. Heard learned counsel Shri A.B.Mirza for the
applicant; learned counsel Shri M.V.Rai for non-applicant No.2,
and learned Additional Public Prosecutor Shri T.A.Mirza for non-
applicant No.1/State. **Rule.** Rule made returnable forthwith.

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2

Heard finally by consent of learned counsel appearing for parties.

2. By the present application under Section 482 of the Code of Criminal Procedure, the applicant is praying for quashing of First Information Report No.18/2019 dated 1.2.2019 registered with non-applicant No.1-Daryapur Police Station, district Amravati for offences punishable under Sections 498-A, 323, and 504 read with Section 34 of the Indian Penal Code.

3. On 10.4.2019, Notices were issued to non-applicants and *interim* order was granted in favour of the present applicant. In pursuant to Notices issued, both non-applicants have filed their respective replies on record.

4. As per the First Information Report, marriage of non-applicant No.2 with one Shyam Kishor Giri was performed on 29.4.2018. After her marriage, she started residing at her matrimonial house. Her husband is cable operator. The First Information Report depicts that after initial period, ill-treatment started to her on behalf of in-laws of non-applicant No.2 for not giving her proper present in marriage. It is also alleged in the First

3

Information Report that non-applicant No.2's husband is addicted to liquor and gambling. It is also stated in the First Information Report that in-laws of non-applicant No.2 used to disclose that her husband is having love affairs with the present applicant. The First Information Report specifically makes allegation against the husband. There is no allegation against the present applicant except allegation in first paragraph of the First Information Report that it was disclosed to her by in-laws that the applicant is having love affairs with husband of non-applicant No.2.

5. Admittedly, the applicant is not relative of non-applicant No.2 and, therefore, there cannot be any question of invoking Section 498-A of the Indian Penal Code. Further, insofar as offence punishable under Section 323 of the Indian Penal Code is concerned, there is no recital or any allegation at any point of time that the applicant assaulted non-applicant No.2.

6. In this view of the matter, we pass following order:

ORDER

(1) The criminal application is allowed.

4

(2) First Information Report No.18/2019 dated 1.2.2019 registered with non-applicant No.1-Daryapur Police Station, district Amravati for offences punishable under Sections 498-A, 323, and 504 read with Section 34 of the Indian Penal Code is hereby quashed and set aside *qua* the present applicant only.

The criminal application stands disposed of. Rule is made absolute in aforesaid terms.

JUDGE

JUDGE

!! BRW !!