

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

978 CRIMINAL APPLICATION NO.1956 OF 2022

1. Chaya W/o Bhagwat Chate
Chaya D/o Pandhari Lamb
Age: 40 years, Occu.: Housewife,
R/o. Moha, Tq. Parali, Dist.Beed.
2. Santabai W/o Pandhari Lamb
Age: 67 years, Occu.: Housewife,
R/o.: Bankaranja, Tq. Kaij, Dist.Beed.
3. Lata W/o Arun Shinde
Age: 37 years, Occu.: Private Service,
R/o. Shinde Niwas, Near Pragati Supar
Market, PMT Chowk,
Bhosari, Pune City, Pune. ..Applicants

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Ambajogai City Police Station,
Tq.Ambajogai, Dist.Beed.
2. Ahilya W/o. Rajesh Lamb
Age: 42 years, Occu.: Business & Housewife,
R/o. Anand Nagar, Ambajogai,
Tq.Ambajogai, Dist.Beed. ..Respondents

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Advocate for Applicants : Mr.M.V.Thorat h/f. Mr.R.D.Thorat
APP for Respondent No.1 : Mr.M.M.Nerlikar
Advocate for Respondent No.2 : Mr.Sunil B. Kakde

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**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 25 April 2023

ORDER :-

. This is an application under Section 482 of the Code of Criminal Procedure seeking quashment of Crime no.212 of 2022, registered with Ambajogai City Police Station, Tal.Ambajogai, Dist.Beed, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code (IPC).

2. The husband is not before us.

3. The sum and substance of the allegations are to the effect that since last five years prior to filing of the FIR, the husband of respondent no.2 developed illicit relations with applicant no.3 and since thereafter, he has been in live-in-relationship with her and the husband and all the applicants have subjected her to cruelty by physically and mentally torturing her by raising demand for money.

4. We have heard both the sides and perused the papers.

5. When we express our disinclination to grant any relief to applicant nos.1 and 2, their learned Advocate, on instructions, seeks leave to withdraw the application to their extent.

6. As far as applicant no.3 is concerned, accepting the allegations in the FIR and statements of the witnesses, it is being

alleged that she is in adulterous relationship with husband of respondent no.2 and for that reason the husband has been ill-treating respondent no.2.

7. Learned APP would submit that being in relationship with husband, she would be covered by the definition of 'relatives' mentioned in Section 498-A of IPC. Though ingenious, the argument is bereft the provision. When it specifically requires a person to be accused to be a relative of the husband, only the legitimate relationship can be considered, by blood or otherwise and not adulterous relationship or merely live-in-relationship.

8. Admittedly, applicant no.3 is not related to husband and respondent no.2 *albeit* she is in some sort of relationship, according to us, in view of decision of the Supreme Court in the case of ***U.Suvetha v. State By Inspector of Police and Another; [(2009) 6 Supreme Court Cases 757]***, she cannot be an accused in a case under Section 498-A of IPC initiated by respondent no.2.

9. Application is partly allowed. Crime no.212 of 2022, registered with Ambajogai City Police Station, Tal. Ambajogai, Dist.Beed, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the IPC and criminal proceeding bearing SCC no.200 of 2022 pending before the learned Judicial

Magistrate First Class, Ambajogai, to the extent of applicant no.3, is quashed and set aside.

10. Application to the extent of applicant nos.1 and 2 is dismissed as withdrawn.

(ABHAY S. WAGHWASE)
JUDGE

(MANGESH S. PATIL)
JUDGE

SPT