



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

CRIMINAL APPLICATION (APL) NO. 1030 OF 2023

Kishor S/o Madhukarrao Panchgade,
Aged about 37 years, Occu. - Lawyer,
R/o. Samarth Colony, Morshi,
Tq. Morshi, District Amravati.

.... **APPLICANT**

// VERSUS //

1) State of Maharashtra,
through the Police Station Officer,
Police Station, Umred,
District Nagpur Gramin.

2) Shital W/o Swaraj Shrirao,
Aged about 27 years,
R/o. C/o. Ashok Zade,
Jeevan Vikas, Umred
Nagpur Gramin.

.... **RESPONDENTS**

Mr. S.V. Sirpurkar, Advocate for applicant.
Ms. Shamsi Haider, Additional Public Prosecutor for
respondent No.1/State.
Mr. A.S. Dhore, Advocate for respondent No.2.

**CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.**

DATED : 12.10.2023

ORAL JUDGMENT : (Per Vinay Joshi, J.)

1. Heard.

2. **Rule.** By consent of the learned counsel appearing for
the parties, the matter is taken up for final disposal.

3. This is an application seeking to quash the First Information Report relating to Crime No.418/2023, registered with Police Station, Umred, Nagpur Gramin for an offence punishable under Section 498A read with Section 34 of the Indian Penal Code (IPC).

4. The applicant primly came to this Court by canvassing the total non-applicability provisions of Section 498A of the Indian Penal Code on the premise that he does not relate to the husband of informant lady. Moreover, it is submitted that the allegations are vague, general and made, out of vengeance. The learned counsel for the applicant relied on the decision of the Supreme Court in the case of *U. Suvetha Vs. State by Inspector of Police and another*, reported in *(2009) 6 SCC 757*, to contend that the persons who are totally disconnected with the informant by way of relation, cannot be involved in the proceeding under Section 498A of the IPC.

5. The informant lady got married with one Swaraj Shriravo (co-accused) on 09.05.2023. After marriage, she resumed to cohabit with her husband and in-laws. There was persistent dowry demand at the hands of her husband and his family members. So far as the applicant is concerned, it is informant's case that he distantly relates with her husband. She alleges that the applicant was Senior lawyer with whom her husband was junior. It is

contended that at the time of settlement of marriage, the applicant vouched about the conduct of her husband as well as stated that her husband earns near-about Rs.50,000/-per month. She stated that on 15.07.2023, the applicant participated in the meeting wherein applicant raised monetary demand of Rs.5 Lakhs for purchase of a car.

6. In view of decision of *U. Suvetha* (supra) the meaning of term “relative” is to be construed as relation by blood, marriage or adoption. This Court in case of *Criminal Application (APL) No. 1054/2022 (Abdul Salim Ahmad Abdul Jabbar and another Vs. State of Maharashtra and another)* decided on 12.07.2023 has once again considered the term “relative” and observed that the distant relative cannot be termed as a relative within the meaning of Section 498A of the IPC. In view of said position, the applicant, who is merely a senior of her husband in legal profession, cannot be booked for the provisions under Section 498A of the IPC.

7. So far as allegations regarding demand of dowry is concerned, there is no material at all. Though there is reference that applicant has participated in the meeting and raised the demand of Rs.5 Lakhs for purchase of car, the said demand does not relates to the dowry as defined under Section 2 of the Dowry Prohibition Act.

8. Taking overall view of the matter, it reveals that the applicant is not related to the informant, but merely a professional Senior of her husband and therefore, continuation of prosecution against him amounts to abuse of the process of Court. In the circumstances, we are inclined to invoke our inherent jurisdiction. Hence, the application is allowed. We hereby quash and set aside the FIR relating to Crime No.418/2023, registered with Police Station, Umred, Nagpur Gramin for an offence punishable under Section 498A read with Section 34 of the Indian Penal Code, to the extent of applicant only.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)