



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 39 OF 2024

Sneha D/o Vinod Narwane
@ Sneha W/o Ishwar Halkunde

.....Petitioner

VERSUS

The State of Maharashtra and Anr.

.....Respondents

.....
Mr. Mote Umesh S., Advocate for the Petitioner

Mr. S. D. Ghayal, Addl. PP for Respondent No.1 – State

Mr. Y. G. Birajdar and N. S. Shinde, Advocate for Respondent No.2

.....
**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 12.09.2024

PER COURT :

1. This is the Writ Petition for quashing of FIR bearing No.641/2023, registered with Vivekanand Chowk Police Station, District Latur on 02/11/2023, for the offences punishable under Sections 498-A, 313, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 [hereinafter referred to as 'IPC'] on the report lodged by Mrs. Anjali Sunil Phad.

2. Heard the learned Advocate for the Petitioner. He submits that the Petitioner was the alleged girlfriend of the husband of the Informant. He submits that the Petitioner in any case do not fall within the definition of Section 498-A of IPC. He submits that this is nothing but an abuse of the process of the Court. Therefore, the FIR to the extent of the Petitioner be quashed and set aside.

3. The Application is opposed by the learned Advocate for Respondent No.2. He submits that the Petitioner has been named in the FIR along with the husband and relatives of the Informant.

He submits that the Petitioner used to visit the house of the husband of the Informant and therefore, the FIR was lodged against her.

4. Learned APP submits that appropriate order be passed.

5. We have perused the FIR. The FIR is lodged against the husband and his relatives. Though the Petitioner is also named in the FIR, admittedly, she is not the relative of the Informant's husband. To attract the offence punishable under Section 498-A of IPC, the Accused needs to be the relative of the husband. As the essential ingredients for the offence punishable under Section 498-A of IPC are not attracted against the Petitioner allowing the proceedings to continue as against the Petitioner would amount to abuse of the process of the Court and therefore, the Petition deserves to be allowed. Hence, we proceed to pass the following order:

ORDER

[I] Criminal Writ Petition is allowed in terms of prayer clause – (B).

6. Criminal Writ Petition is disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]