



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

CRIMINAL APPLICATION (APL) NO.674/2023

1. Ms. Shivani D/o Pramod Ghadge,
aged about 33 Yrs., Occ. Service,
R/o Kothari Watika No.1, Malkapur,
Civil Lines, Akola.
2. Shri Sandip s/o Uttamrao Wagh,
aged about 45 Yrs., Occ. Private
Service.
3. Smt. Yamuna W/o Uttamrao Wagh,
aged about 76 Yrs., Occ. Household.

Nos.2 and 3 both R/o Near MNP
School, No.22, Krushi Nagar, Labour
Colony, Akola.

... Applicants

- Versus -

1. The State of Maharashtra,
through its Police Station Officer,
Police Station Civil Lines, Akola,
Tahsil and District Akola.
2. Smt. Nisha W/o Sandip Bhakre,
aged about 42 Yrs., Occ. Service,
R/o Flat No.104, Sadguru Park,
First Floor, Jawahar Nagar, Akola,
Tahsil and Distt. Akola.

... Non-applicants

Mr. J. R. Kidilay, Advocate for the applicants.
Mr. A.R. Chutke, A.P.P. for non-applicant No.1.
Mr. S.A. Jaiswal, Advocate for non-applicant No.2.

CORAM: SMT. VIBHA KANKANWADI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 22.7.2024.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard Mr. J. R. Kidilay, learned Advocate for the applicants, Mr. A.R. Chutke, learned A.P.P. for non-applicant No.1 and Mr. S.A. Jaiswal, learned Advocate for non-applicant No.2. **Rule.**

2. The applicants have filed this application under Section 482 of the Code of Criminal Procedure praying for quashing of Crime No.0090/2023 for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code.

3. In this case all the applicants are not the relatives of husband of non-applicant No.2. Only because in F.I.R. names of these applicants are mentioned, the crime is registered against these applicants. Non-applicant No.2 was having dispute with

her husband who is accused No.1. It was their love marriage and the marriage was performed on 26.12.2005. They have two kids out of this wedlock. Applicant No.1 is the colleague of non-applicant No.2. The allegations made against these applicants are that non-applicant No.2 suspected about the relationship between applicant No.1 and her husband and because of her the relations between husband and wife were strained. Applicant Nos.2 and 3 are the family friends of non-applicant No.2. Allegations are made that they used to instigate her husband to harass her. The allegations which are mentioned in the F.I.R. are mainly against the husband. Applicant Nos.2 and 3 have tried to resolve the dispute between the husband and wife and, therefore, the names of these applicants are mentioned.

4. Learned Advocate for the applicants has stated that though the applicants are not relatives of non-applicant No.2 or husband of non-applicant No.2 the crime is registered against

these applicants. They are not even distinctly related with non-applicant No.2. Applicant Nos.2 and 3 are common friend and they tried to resolve their dispute, however, the involvement of applicants was in providing a helping hand in resolving the dispute between the marriage, which was disliked by the complainant. Applicant No.1 is a married lady having a son. As applicant No.1 was working with non-applicant No.2 at Lokmat Sakhi Manch they were friends. Non-applicant No.2 herself introduced her husband. The husband is not applicant before us.

5. On perusal of F.I.R. it appears that the names of these applicants are mentioned along with the other family members.

The provisions of Section 498-A of I.P.C. reads as follows:-

“498A. Husband or relative of husband of a woman subjecting her to cruelty. - Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.-For the purposes of this section, “cruelty” means-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman;
or
(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.]”

It starts with the words the “relatives of the husband”.

As these applicants are not even distinctly related with the husband of non-applicant No.2, the provisions of Section 498-A will not be attracted against these applicants. No allegations are made against these applicants for the offence punishable under Sections 323, 504 and 506 of I.P.C. No offence is made out against these applicants.

6. For the aforesaid reasons, the application is allowed and disposed of.

The First Information Report 0090/2023 registered with non-applicant No.1 Police Station Civil Lines, Akola for the

offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of I.P.C. is quashed and set aside against the present applicants only.

(MRS.VRUSHALI V. JOSHI, J.)

(SMT. VIBHA KANKANWADI,J.)