



Judgment

2 apl 1446.23

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

**CRIMINAL APPLICATION (APL) NO. 1446/2023**

1. Yogesh s/o Pralhad Wajpe,  
Aged about 53 yrs., Occ. Pvt. Job,  
(Uncle-in- laws)
2. Pranita w/o. Yogesh Wajpe,  
Aged about 43 yrs., Occ. Household,  
(Aunt-in-laws)
3. Malhar s/o Yogesh Wajpe,  
aged about 20 yrs., Occ. Education,  
(Brother-in-laws)

Nos. 1 to 3 R/o. Chakradhar Nagar,  
Nawathe Plot, Amravati, Dist. Amravati.

... **APPLICANTS**

**VERSUS**

1. State of Maharashtra,  
through Police Station Officer,  
P.S. Mangrul Pir, Dist. Washim.
2. Supriya w/o. Prafulla Joshi,  
Age 39 yrs., Occ. Household,  
C/o. Sahebrao Narayanrao Pimple,  
R/o. Sanjeevani Housing Society,  
Bypass Road, Mangrul Pir,  
Tq. Mangrul Pir, Dist. Washim.

... **NON-APPLICANTS**

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Mr. S.B. Gandhe, Advocate for applicants.  
Mr. M.K. Pathan, APP for non-applicant No.1/State  
Mr. M. Deshpande, Advocate h/f Mr. D.R. Khapre, Advocate for non-  
applicant No.2  
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**CORAM : VINAY JOSHI AND**

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ABHAY J. MANTRI JJ.

DATE : 23.10.2024.

**ORAL JUDGMENT (PER VINAY JOSHI, J.) :**

Heard.

2. **Admit.**

3. By this application, the applicants are seeking to quash criminal prosecution vide RCC No. 237/2022 arising out of Crime No. 25/2022 registered with Police Station Mangrul Pir, Dist. Washim for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

4. The applicant No.1 Yogesh is maternal uncle of husband whilst applicant No.2 Pranita is maternal aunt of husband. Applicant No.3 Malhar is son of maternal uncle. Husband who is co-accused is not before us.

5. The informant got married with co-accused Prafulla in the

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month of April 2018 stayed at matrimonial house for one month at Amravati. Later, the couple shifted to Mumbai as husband was working at Mumbai. It is informant's contention that her husband Prafulla was having illicit relation with applicant No.2 i.e. maternal aunt since prior to her marriage. She realized that the husband was not interested in marital life, but was having intimacy with maternal aunt. The informant stated several instances as to how husband was behaving indiscriminately with the wife. She stated that due to illicit relation, the husband was not looking after informant, but was harassing her. The husband had also raised monetary demand and used to assault her physically. It is informant's contention that twice she went to the applicants' house for seeking explanation and asked for return of gold ornaments, on which, applicants abused and threatened her.

6. The learned counsel for applicants would submit that as per informant's own case, after one month from the marriage, the couple shifted to Mumbai whilst all applicants permanently stayed at Amravati. It is his contention that there was no occasion for these

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applicants to harass informant. It is argued that the entire allegations are against husband only. According to the learned counsel for applicants, there was no direct role attributed to the applicants of harassment or demand. On the other hand, learned counsel for informant/non-applicant No.2 would submit that maternal aunt is a cause and due to said illicit relation, the husband used to harass informant. The learned counsel for informant has pointed two instances where all applicants have abused and gave threats.

7. We have considered the entire material. Undoubtedly, the allegations are centering around the husband and his act of raising monetary demand. Absolutely, there are no allegations that either have assaulted physically or raised monetary demand to the informant. However, it reveals that maternal aunt was quite proximity to the husband and due to her illicit relation, the husband allegedly harassed informant lady. As regards to instances quoted by informant, it is to be noted that on both occasions, informant went to the house of applicants for some reasons and at that time, there was quarrel and abused. Those isolated instances that too on account of informant

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visiting to the applicants' house cannot construe as an act within the ambit of Section 498-A of the Indian Penal Code. However, as regards to applicant No.2 maternal aunt is concerned, her act of keeping illicit relation with the husband which became a cause for harassment and has disturbed the marital life is mater of trial to be appreciated after recording evidence. In substance, the material collected during the course of investigation makes out a *prima facie* case to the extent of applicant No.2 maternal aunt only. As regards to the rest, in absence of material, continuation of prosecution against them would be abuse of the process of the Court.

8. In view of above, application is partly allowed. We hereby quash and set aside criminal prosecution vide RCC No. 237/2022 arising out of Crime No. 25/2022 registered with Police Station Mangrul Pir, Dist. Washim for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code to the extent of applicant No. 1 Yogesh s/o Pralhad Wajpe and applicant No.3 Malhar s/o Yogesh Wajpe.

9. Application stands disposed of in above terms.

Judgment

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(ABHAY J. MANTRI J.)

(VINAY JOSHI, J.)

Gohane