



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

**CRIMINAL APPLICATION NO.4182 OF 2024**

- 1) Kavita Sukesh Chavhan,  
Age-40 years, Occu:Nil,  
Plot No.206, Rakesh Housing  
Layout-4, Vitthal Celebration Lawn,  
Beltarodi, Nagpur-440034,
- 2) Yash Sukesh Chavhan,  
Age-23 years, Occu:Student,  
Plot No.206, Rakesh Housing  
Layout-4, Vitthal Celebration Lawn,  
Beltarodi, Nagpur-440034.

(Original Accused Nos.2 and 3)

**...APPLICANTS**

**VERSUS**

- 1) The State of Maharashtra,  
Through Ramanand Police Station,  
Taluka and District-Jalgaon,
- 2) Kanchan Natwar Jadhav,  
Age-37 years, Occu:Housewife,  
R/o-Vidyut Colony, Yashashree  
Apartment, Room No.9, Jalgaon.  
(Respondent No.2 original informant)

**...RESPONDENTS**

...  
Mr. Dhiraj M. Ailani Advocate for Applicants (Through Video Conferencing).  
Mr. V.K. Kotecha, A.P.P. for Respondent No.1.

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**CORAM: SMT. VIBHA KANKANWADI AND  
HITEN S. VENEGAVKAR, JJ.**

**DATE : 9<sup>th</sup> SEPTEMBER, 2025**

**ORDER [PER SMT. VIBHA KANKANWADI, J.] :**

1. Present Application has been filed for quashing the proceedings in R.C.C. No. 519 of 2021, pending before the learned Judicial Magistrate First Class, Jalgaon, arising out of the First Information Report (for short "the FIR") vide Crime No. 345 of 2020, registered with Ramanand Police Station, Taluka and District-Jalgaon, on 6<sup>th</sup> November 2020, for the offence punishable under Sections 497, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate Mr. Dhiraj Ailani, through Video Conferencing, for the applicants and learned APP Mr. Kotecha for respondent No.1. Respondent No.2 though served, remained absent.

3. Learned Advocate appearing for the applicants submitted that as per the FIR, applicant No.1 is the lady with whom it is alleged that husband of respondent No.2 is having illicit relations. She cannot be said to be relative of the husband.

Applicant No.2 is the son of applicant No.1. In support of his submissions, learned Advocate for the applicants tried to rely on the decision of the Division Bench of this Court, Bench at Nagpur (to which one of the Member of this Bench i.e. SMT. VIBHA KANKANWADI, J. was party), in ***Vaishali Janbaji Gawande vs. State of Maharashtra and another, Criminal Application (APL) No.622 of 2020, decided on 11<sup>th</sup> July 2024***, wherein it has been held that husband's girlfriend cannot be said to be relative of the husband and therefore, offence under Section 498-A of the Indian Penal Code cannot be sustained.

4. Learned APP submits that the present applicants are not remaining present before the learned trial Court and non-bailable warrant has been issued against them. He, therefore, submits that when the applicants are not abiding by the law, discretionary relief need not be granted in their favour.

5. We agree to the submissions made by the learned APP. We may not go into the merits of the case. First of all, the charge-sheet in the matter was filed on 21<sup>st</sup> June 2021 and since then it is pending before the learned Judicial Magistrate First Class, Jalgaon. Up till now the applicants could have appeared before

the learned Magistrate and prayed for discharge. Present Application has also been filed in the year 2024. Non-bailable warrant has been issued against the present applicants as they are not remaining present. Therefore, when the applicants are not abiding by the law, they do not deserve the inherent powers to be exercised in their favour.

6. The Application stands rejected.

**[HITEN S. VENEGAVKAR]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**

asb/SEP25