



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4031 OF 2023

1. Shrikant Dilip Ghadge
Age: 39 years, Occu: Service
R/o: 203, Pride Jupiter,
Sanjay Gandhi Nagar, Upnagar,
Nashik-422006.
2. Ankita Sudhakar Bhadane
Age: 24 years, Occu: Service,
R/o: Bungalow No.5, Indraprastha
Colony, Nashik-422006. ...Applicants

Versus

1. The State of Maharashtra
through Pundlik Nagar
Police Station Chhatrapati
Sambhajinagar (Aurangabad)
2. Seema Shrikant Ghadge
Age 38 years, Occu: Service,
R/o: 203, Pride Jupiter,
Sanjay Gandhi Nagar,
Upnagar, Nashik-422006. ...Respondents

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Ms. Aishwarya Takale h/f Mr. Yogesh M. Patil and Mr. A.J. Pawar,
Advocates for the applicants
Mr. S.A. Gaikwad, A.P.P. for the respondent No.1
Mr. Akash Ingale, advocate for respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 3rd APRIL, 2025

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. By this appication, filed under section 482 of the Code of

Criminal Procedure, 1973 (for short "Cr.P.C."), the applicant No. 2 is seeking quashment of First Information Report (for short "F.I.R.") vide C.R. No. 332 of 2023, registered with Pundliknagar police station, Chhatrapati Sambhajnagar, for the offences punishable under Sections 323, 498-A, 504, 506 r.w. 34 of Indian Penal Code (for short "I.P.C.")

2. After hearing learned advocate for the applicants, when this Court expressed disinclination to grant relief to applicant No.1, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1. Leave granted.

3. The informant-respondent No.2 averred in the report that she married with Shrikant Dilip Ghadge on 8.2.2011. After marriage, she went for cohabitation with her husband at Nashik. She begotten two children. Her marital life was happily going on alongwith her husband and in-laws for 10 years. Thereafter, on 26.01.2021 she noticed changes in the behavior of her husband. He was not paying money for routine expenses. He was quarreling with her on simple reason. He was doubting her character. He abused and beat her.

4. The informant further averred in the report that when she enquired in the office of her husband, about her husband's

behaviour, she came to know that applicant, who is serving in the office of her husband, is having illicit relations with her husband. When she came to know about that illicit relationship, her husband started to say that he does not like her, she should not stay with him and he will maintain his children. He wanted to marry with the applicant. The applicant used to come to her house and used to abuse and say that she wanted to marry with the husband of informant. She was insisting the informant to take divorce. The husband of the informant threatened her that he will set her ablaze. The husband of the informant expelled her from the house. Therefore, she came to reside with her parents at Shivajinagar, Aurangabad and lodged the report.

5. Learned advocate for the applicant submitted that the applicant is not relative of the informant. The applicant has not performed marriage with the husband of the informant. Therefore, section 498-A of I.P.C. cannot be invoked against her. The applicant is a third person and she is not relative of the co-accused. In the F.I.R. there are no allegations that present applicant Ankita has extended beatings to respondent No.2, at any point of time.

6. Learned A.P.P. for respondent State submitted that the applicant herein is causing interference in the marital life of the

informant. The applicant has instigated co-accused Shrikant and further, on one occasion, the applicant went to the house of the husband of informant and instigated him to harass the informant. Learned A.P.P. therefore prayed to reject the application.

7. Learned advocate for respondent No.2 submitted that there are illicit relations between the husband of the informant and the applicant. On that count, the husband of the informant used to abuse and ill-treat the informant by saying that he does not like her, she do not stay with him and he will maintain his children. He wanted to marry with the applicant. The applicant used to come to the house of the informant and used to abuse and say to her that she wanted to marry with the husband of informant. She was insisting her to take divorce. Even at the instance of the applicant, the husband of the informant threatened her that he will set her ablaze. Lastly the husband of the informant expelled her from the house, she lodged the report. Learned advocate for respondent No.2 prayed to reject the application.

8. Here, it would be relevant to refer to the judgment of the Hon'ble Supreme Court in the case of ***U. Suvetha vs. State by Inspector of Police and Anr, 2009 (6) SCC 757***; in which the Hon'ble Supreme Court has held that neither a girl friend nor a

concubine is a relative of the husband within the meaning of Section 498-A of I.P.C., since they were not connected by blood or marriage to the husband. The same view has been reiterated by the Hon'ble Supreme Court in the case of ***Sunita Jha vs State of Jharkhand and another, 2010 (10) SCC 190*** as well as this Court in the case of ***Deepika Hanmant Zanjurne vs. State of Maharashtra, through the Police Inspector and another, 2021 SCC Online Bom 6852.***

9. It would also be proper and relevant to refer to the provisions of Section 498-A of I.P.C. reads as under:-

“498-A. 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 purpose of this section, “cruelty” means

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(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.”

10. We have perused the report, which is crystal clear that applicant is not a relative of the husband of the informant. Section 498A of I.P.C. as extracted herein-above, is very specific that only the husband or his relative can be prosecuted for subjecting the wife with cruelty. The clear meaning of cruelty is given in the said section. The question as to who would be a relative of the husband for the purpose of Section 498A has been considered in detail in the case of ***U. Suvetha vs. State by Inspector of Police and Anr, (supra)***. We are in agreement with the views expressed in the aforesaid case laws.

11. Considering the peculiar set of the facts of the case and for the aforesaid reasons, the applicant cannot be compelled to face the trial, as she is not a relative of the husband of the informant. If the applicant is compelled to face the trial, it would certainly be an abuse of process of the court. Therefore, it is necessary to invoke our inherent powers under section 482 of the Cr.P.C. for quashing of the report against the applicant in the interest of justice to prevent the abuse of the process of the Court. Therefore, we are inclined to allow the application partly. Hence, we pass the following order:-

O R D E R

- I Criminal application is partly allowed.
- II The application of applicant No.1 is dismissed as withdrawn.
- III The F.I.R. vide C.R. No. 332 of 2023, registered with Pundliknagar police station, Chhatrapati Sambhajinagar, for the offences punishable under sections 323, 498-A, 504, 506 r.w. 34 of I.P.C. is quashed to the extent of applicant No.2.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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