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

CRIMINAL APPLICATION (APL) NO.208 OF 2024

1. Sagar s/o Vishwanath Jadhao
Aged about 36 Years,
Occupation : Service,
R/o. Flat No.302, Sai Krupa Apartment,
Sai Nagar, Kandli, Paratwada,
District Amravati.
(Husband of Complainant)
2. Smt. Nirmala Vishwanth Jadhao,
Aged about 58 Years,
Occupation : House wife,
R/o. Gadge Nagar,
Chikhli Road, Buldhana
(Mother-in-law of Complainant)
3. Bhavna a.k.a Hemlata Kakde,
Aged about 31Years,
Occupation : Service,
R/o. Gadge Nagar, Amravati,
District Amravati.
(Service Colleague of Husband)

.... APPLICANTS

// VERSUS //

1. State of Maharashtra through
Police Station Officer,
Police Station, Buldhana City,
Buldhana, District Buldhana.
2. Chaitali w/o Sagar Jadhao,
Aged about 34 Years,
Occupation : House Wife,
R/o. Somnath Nagar,
Sunderkhed, Buldhana,
District Buldhana – 443001
(Complainant / Victim)

.... NON-APPLICANTS

Mr. Ranjeet Singh V. Gahilot, Counsel for the applicants.
Mr. M. J. Khan, APP for non-applicant No.1/State.
Mr. A. J. Thakkar, Counsel for non-applicant No.2.

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**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 10/09/2025**

ORAL JUDGMENT : [Per : URMILA JOSHI-PHALKE, J.]

1. **Admit.**

2. Heard finally with the consent of the learned Counsel for the parties.

3. The application is filed by the husband, mother-in-law and friend of the applicant No.1 in connection with Crime No.565/2020 registered with Police Station Buldhana City, District Buldhana for the offence punishable under Sections 498A, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code for quashing of the proceeding and quashing of the charge sheet Regular Criminal Case No.1217/2021.

4. Brief facts which are necessary for the disposal of the application are as under:

The complainant married with the applicant No.1 on 10.12.2010, who is working with the police department and from the said wedlock, the complainant gave birth two female child aged about 6 years and 1 year. It is alleged that on 09.07.2020, the applicant No.1 had started quarreling with the complainant since morning and abused her and also assaulted her with kicks and fist blows, due to which, there is a dislocation of her teeth

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and injury to her mouth. It is further alleged that on 10.07.2020 around 10.00 a.m., the brother of the complainant took her to the Government hospital for treatment and she was treated in the said hospital for the said injuries as she sustained five injuries on her person. She alleged that her husband applicant No.1 has illicit relations with the applicant No.3 since last one year, who is also working in the police department and when it was noticed by the complainant, the applicant No.1 started ill-treating her and therefore, she constrained to leave the matrimonial house and thereafter, she approached the Police Station and lodged the report.

5. On the basis of the said report, police have registered the crime against the present applicants and during investigation, the Investigating Officer has recorded various statements of the witnesses, collected the medical certificate and after completion of the investigation, submitted charge sheet against the present applicants.

6. The present application is filed by the applicants on the ground that the allegations levelled against them are omnibus in nature, no specific instances are narrated by the complainant as far as the ill-treatment is concerned, therefore, no *prima facie* case is made out. It is further contended that the applicant No.3 is not within the definition of the relative of the

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husband and therefore, she was arraigned as an accused against the provisions of the law. In view of that, the FIR and the charge sheet against her deserves to be quashed and set aside.

7. Heard learned Counsel for the applicants, who reiterated the said contentions and placed reliance on the decision of **U. Suvetha Vs. State by Inspector of Police and another** reported in **(2009) 6 SCC 757**. He submitted that even accepting the allegation as it is, the allegations are omnibus in nature and no specific instances narrated and therefore, the *prima facie* case is not made out against the present applicants and no purpose will be served by forcing them to face the trial. In view of that the application deserves to be allowed.

8. Learned APP and learned Counsel for the complainant strongly opposed the same and invited our attention towards the medical certificate which shows that the injured complainant has sustained in all five injuries on her person when she was examined on 14.07.2020. They submitted that there is specific allegations as far as the husband is concerned that he is serving in a police department and was assaulting her usually and on the day of incident i.e. on 14.07.2020 also she was assaulted and thereafter she was taken by her brother to the hospital and she was treated in the hospital. Thus, considering the *prima facie*

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material against the present applicants, the application deserves to be rejected.

9. On hearing both sides and on perusal of the recitals of the FIR and the entire investigation papers, it reveals that as far as the applicant No.1 is concerned, who is the husband, there is a specific allegation that he is serving in police department and used to quarrel with her and on the day of incident i.e. on 09.07.2020 also she was assaulted by the applicant No.1 on 10.07.2020 she was taken by her brother to the hospital and she was treated and five injures are found on her person. The statements of the complainant as well as her brother also discloses the said facts. As far as the applicant Nos.2 and 3 are concerned, who are the mother-in-law and the friend of the applicant No.1, general and omnibus allegations are levelled against them, no specific instances are given as far as the ill-treatment at the hands is concerned. The Hon'ble Apex Court has defined the definition of relative of the husband in decision of **U. Suvetha Vs. State by Inspector of Police and another** relied upon by the present applicants. Wherein the Hon'ble Apex Court held that "in the absence of any statutory definition, the term 'relative' must be assigned a meaning as is commonly understood. Ordinarily it would include father, mother, husband or wife, son, daughter, brother, sister, nephew or niece,

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grandson or grand-daughter of an individual or the spouse of any person. The meaning of the word `relative' would depend upon the nature of the statute. It principally includes a person related by blood, marriage or adoption.” By referring the dictionary of "Random House Webster's Concise College Dictionary the Hon'ble Apex Court defines the `relative'.

- "Relative -
1. a person who is connected with another or others by blood or marriage.
 2. something having, or standing in, some relation to something else.
 3. something dependent upon external conditions for its specific nature,
 4. a relative pronoun, adjective, or adverb.
 5. considered in relation to something else; comparative: the relative merits of gas and electric heating.
 6. existing or having its specific nature only by relation to something else; not absolute or independent: Happiness is relative.
 7. having relation or connection.
 8. having reference : relevant; pertinent, two facts relative to the case.
 9. correspondent; proportionate:
 10. depending for significance upon something else: "Better" is a relative term.
 11. of or designating a word that introduces a subordinate clause and refers to an expressed or implied element of the principal clause: the relative pronoun who in "That was the woman who called."

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12. (of a musical key) having the same key signature as another key: a relative minor."

10. It is further observed by the Hon'ble Apex Court that the expression "REALTIVE" means a husband wife, ancestor, lineal descendant, brother or sister.

11. In view of the definition given by the Hon'ble Apex Court, admittedly, the applicant No.1 is not covered under the said definition.

12. Now, coming to the allegation levelled against the present applicants and before going through the allegation, it is necessary to refer Section 498A of IPC which is reproduced herein under:

"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 purpose 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

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demand for any property or valuable security or is on account of failure by her or any person related to her meet such demand."

13. Section 498A of IPC prescribes punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provide for fine. The explanation appended to the provision defines "cruelty" in two parts. Clause (a) refers to 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. Clause (b) expands the scope of term to include harassment with a view to coercing the women or her relative to meet any unlawful demand for property or valuable security or is on account of failure meet such demand."

14. In the light of the above said definition and bare perusal of the FIR and the material placed on record reveals that no specific allegations are levelled against the applicant Nos.2 and 3 are concerned, general allegations are levelled. Now it became the practice to implicate the all family members or the relatives or the person, who are acquainted with the family to made an accused as far as the FIR under Section 498A of IPC is concerned. This aspect is also considered by the Hon'ble Apex

Court in the case of **Dara Lakshmi Narayana and others vs. State of Telangana and another** reported in **MANU/SC/1309/2024** wherein it has been made clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

15. In view of the above observations, considering the allegations levelled against the present applicants, no case is made out as far as the applicant Nos.2 and 3 are concerned, and therefore, the FIR and charge sheet deserves to be quashed and set aside against the applicant Nos.2 and 3 are concerned. The prayer of applicant No.1 for quashing of the FIR and charge

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sheet deserve to be rejected. Hence, we proceed to pass following order:

ORDER

- (i) The application is **partly allowed**.
- (ii) The First Information Report bearing No.565/2020 registered with Police Station Buldhana City, District Buldhana for the offence punishable under Sections 498A, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code and Regular Criminal Case No.1217/2021 are hereby quashed and set aside as far as the applicant No.2 and 3 are concerned.
- (iii) The prayer of the applicant No.1 for quashing of the FIR and the charge sheet is hereby rejected.

The application is disposed of in the above said terms.

(NANDESH S. DESHPANDE, J) (URMILA JOSHI-PHALKE, J)