



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

**CRIMINAL APPLICATION (APL) NO. 340 OF 2025**

Dr. Reena W/o Rajaram Hire (Giri) And Another

Vs.

State of Maharashtra, Thr. P.S.O., Police Station – Ramdaspath, Tal. & Dist. Akola And  
Another

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Ms. C. S. Bhute h/f Ms. M. P. Kshirsagar, Advocate for the applicants  
Ms. Kirti Deshpande, Advocate for the non-applicant no. 2  
Mr. M. J. Khan, APP for non-applicant/State

**CORAM : URMILA JOSHI-PHALKE AND  
NANDESH S. DESHPANDE, JJ.**

**DATED : 12.12.2025**

1. By this application, the applicants are seeking quashing of the First Information Report in connection with Crime No. 12/2025, registered under Sections 85, 115(2), 351(2), 351(3), 352, 3(5), and 49 of the Bharatiya Nyaya Sanhita (BNS), 2023. The applicants are the neighbors of the informant.

2. The crime is registered on the basis of a report lodged by the informant on an allegation that the marriage of the informant was performed with the co-accused, and after marriage she resumed cohabitation at the house of the co-accused. The co-accused and his other relatives allegedly ill-treating her on the demand of the ornaments, and also abusing and insulting her for not bringing them, golden

ornaments from her parents, as well as the car. As per her allegations, her husband was harassing, ill-treating, and also assaulted her by consuming the liquor, as well as in-laws were also instigating him for harassing the complainant, as well as her sister-in-laws and their husbands were also ill-treating her. As far as the present applicants are concerned, it is alleged that her husband was having illicit relations with the applicant no. 1, and in presence of the applicant no. 2 the applicant no. 1 was having intimate relationship with the husband of the informant, and on the say of both the applicants her husband was harassing and ill-treating her. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that, as far as the allegation against the present applicants are to the extent that the husband of the informant was having illicit relations and on the instigation of the present applicants he was harassing the informant on various occasions, she submitted that, in fact, the offence under Section 498A is not made out against the present applicants, being they are not the relatives. In support of the contention, she placed reliance on the decision of the Hon'ble Apex Court in the case of ***Dechamma I.M. Alias Dechamma Koushik Vs. State of Karnataka And Another*** reported in **2024 SCC OnLine SC 3853**.

4. Per contra, learned APP strongly opposed for the same, and submitted that, considering the allegation levelled

against the present applicants that applicant no. 1 was having illicit relations with the husband of the informant, which is sufficient to have a mental ill-treatment to the informant. Thus, considering the nature of the allegation, the application deserves to be rejected. Learned counsel for the non-applicant no. 2 reiterated the said contentions, and submitted that, considering the allegation levelled against the present applicants, the application deserves to be rejected.

5. On hearing both the sides, and on perusal of the entire investigation papers, it reveals that the allegation levelled against the present applicants is that applicant no. 1, who is the neighbor of the husband of the informant, was having illicit relations with him, and on his instigation, and on the instigation of the applicant no. 2, she was harassed on various occasions. Except that allegation, there is nothing on record to show that the applicant no. 1 was having any illicit relations with the husband of the non-applicant no. 2.

6. The learned counsel for the applicant placed reliance on the decision of the Hon'ble Apex Court, and submitted that she is not within the definition of a relative. This aspect is firstly considered by the Hon'ble Apex Court in the case of ***U. Suvetha v. State by Inspector of Police & Anr.*** reported in (2009) 6 SCC 757 wherein, by referring the ingredients of Section 498A of IPC, the Hon'ble Apex Court has considered the definition and the term relative, and it is observed that

the word relative has been defined in the advance Law Lexicon, which reads as under:-

*"RELATIVE" includes any person related by blood, marriage or adoption.*

7. The Hon'ble Apex Court further considers that "RELATIVE" in relation to an individual means –

- a) The mother, father, husband or wife of the individual, or*
- b) a son, daughter, brother, sister, nephew or niece of the individual, or*
- c) a grandson or grand-daughter of the individual, or*
- d) the spouse of any person referred to in sub- clause (b).*

8. It further observes that "REALTIVE" means –

- 1) spouse of the person ;*
- 2) brother or sister of the person ;*
- 3) brother or sister of the spouse of the person;*
- 4) any lineal ascendant or descendant of the person;*
- 5) any lineal ascendant or descendant of the spouse of the person;*

9. In the light of the above definition determined by the Hon'ble Apex Court, whether the present applicant is within the definition of relative or not is to be considered.

Admittedly, she is not related with them in any manner, and therefore, in view of the observation of the Hon'ble Apex Court, she is not the relative of the husband of the non-applicant no. 2. The Hon'ble Apex Court in the case of ***Dechamma I.M. Alias Dechamma Koushik Vs. State of Karnataka And Another*** referred supra, which shows that, after considering the earlier judgments of this Court and the dictionary meaning of a relative, observed, by no stretch of imagination would a girlfriend or even a concubine, in an etymological sense, be a "relative". The word "relative" brings within its purview of status. Such a status must be conferred either by blood, or marriage, or adoption. If no marriage has taken place, the question of one being relative of another would not arise. Thus, the applicants are not within the definition of a relatives.

10. Now, the aspect whether the act attributed to the present applicants attributes the definition of harassment. The definition of harassment, under the explanation to Section 498A, specifically outlined in clause (b), independent to the willful conduct describe in clause (a). Thus, necessity a separate reading of the reading of the two. It is significant to note that the inclusion of the word or at the end of clause (a) clearly indicates that cruelty, for the purpose of Section 498A, can either involve willful conduct that causes mental or physical harm, or harassment related to unlawful demands, such as dowry. Moreover, these forms of cruelty can co-exist, but the absence of a dowry related demand does not preclude the application of the Section in cases where there is mental or physical harassment

unrelated to dowry. In interpreting the provision, it is crucial to consider the broader objective behind its introduction, to safeguard women from all forms of cruelty, regardless to whether the nature of the harm inflicted includes a specific demand for dowry or not.

11. In view of the above definition of the harassment, if the acts of the present applicants which are attributed to them are considered, it appears that the applicant no. 1 allegedly having illicit relations with the husband of the informant. Except the bare statement of the informant, there is no material on record to substantiate the said contention. At this stage, no prima facie case is made out against the present applicants. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order :-

### **ORDER**

I) Application is allowed.

ii) The First Information Report in connection with Crime No. 12/2025 registered under Sections 85, 115(2), 351(2), 351(3), 352, 3(5) and 49 of the Bharatiya Nyaya Sanhita (BNS), 2023 and the consequent proceeding arising out of the same bearing R.C.C. No. 1317/2025 is hereby quashed and set aside to the extent of present applicants i.e.

applicant no. 1 – Dr. Reena W/o Rajaram Hire (Giri) and  
applicant no. 2 – Rajaram S/o. Ashok Hire.

iii) The application is disposed of in the above said terms.

iv) Fees of the appointed counsel be quantified as per  
Rule.

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