



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 1064/2022

Rajratan s/o Mahadevrao Moon,
aged 62 yrs., Occ. Retd. Medical Officer,
R/o. Pimpalgaon (Matankar),
Post – Hinganghat, Dist. Wardha.

...APPLICANT

VERSUS

1. State of Maharashtra,
through P.S.O. Avdhootwadi,
Yavatmal, Dist. Yavatmal.
2. Sau. Jaya w/o. Rajratan Moon,
Age 50 yrs., Occ. Housewife,
R/o. Bhanudas Tamgadge
Plot No.68, New Gilani Nagar
Uwrsra Road, Yavatmal,
Avdhutwadi, Dist. Yavatmal.

NON-APPLICANTS

Mr. M. Rai, Advocate for applicant.
Mr. A. Chutke, APP for non-applicant No.1/State.
Mr. P Gode, Advocate for non-applicant No.2.

CORAM : ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.

DATE : 19.08.2025

ORAL JUDGMENT : (PER: ANIL L. PANSARE , J.)

Heard.

2. Issue Rule, returnable forthwith. Mr. A. Chutke, learned APP waives service for non-applicant No.1-State and Mr. P. Gode, learned counsel waives service for non-applicant No.2. With the consent of learned counsel for the parties, the application is taken up for final hearing.

3. The application is filed to quash the proceedings being RCC No.1089/2021 pending before the learned Judicial Magistrate First Class, Yavatmal for the offence punishable under Sections 498-A, 504 and 506 of the Indian Penal Code (“IPC”) was registered against the applicant vide Crime No.747/2020.

4. The non-applicant No.2 lodged report stating therein that she got married to the applicant in the year 1992. The couple is blessed with a son and a daughter, having age 27 and 24 years respectively on the date when First Information Report (“FIR”) was lodged. According to non-applicant No.2 right from the inception, the relations between couple were not

good. The applicant has allegedly quarrelling and abusing with non-applicant No.2 on one or the other count.

5. We are informed that the non-applicant No.2 is living her parent along with her children since 2012.

6. We have, with the assistance of both the parties gone through the relevant material to find that ingredients of Section 498-A of the IPC are not attracted. Neither learned APP nor learned counsel for non-applicant No.2 could show the statement of witnesses including the non-applicant No.2 or any other cogent evidence to show that the non-applicant No.2 was subjected to cruelty in terms of Explanation 'a' and 'b' of Section 498-A of the IPC. What has been stated by the non-applicant No.2 is that the applicant was always quarrelling with her and had abused her throughout the relationship. There is however nothing to show that the conduct of the applicant was such that would instigate the non-applicant No.2 to commit suicide or to cause grave injury or danger to her life. There is further no allegation of the applicant harassing the non-

applicant No.2 with a view to meet any unlawful demand for any property or valuable security or that there is harassment on account of failure by non-applicant No.2 or her relatives to meet such demands.

7. That being so, the ingredients of Section 498-A of IPC are not attracted, even if, the charge-sheet is taken on its face value. The continuation of the proceedings in such a state of facts will amount to abuse of the process of law. This is thus a fit case to invoke inherent jurisdiction under Section 482 of the Code of Criminal Procedure. Accordingly, we allow the application in terms of prayer clause (a) read as under:-

“a) quash and set aside the proceedings bearing RCC No.1089/2021 pending before the learned Judicial Magistrate First Class, Yavatmal on the basis of charge sheet filed against the applicant for the offences u/s 498-A, 504 and 506 of the I.P.C. vide crime No.747/2020 on 04.12.2020 registered with Police Station, Avdhotwadi, Yavatmal in the interest of justice.”

8. Application stands disposed of.

(M. M. NERLIKAR , J.)

(ANIL L. PANSARE, J.)