



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

CRIMINAL APPEAL NO. 641/2024

Karishma w/o Kumar Chatap
aged about 27 yrs., Occ. Nil,
R/o. Juni Wasti Zingabai Takli,
Tah. & Dist. Nagpur.

...APPELLANT
(Victim)

VERSUS

1. Kumar S/o. Govindrao Chatap
(Husband), Aged about 39 yrs.,
Occ. Service,
2. Sau Indirabai w/o Govindrao Chatap,
(Mother in Law), aged about 65 years,
Occ: Housewife
3. Monali Wasudeorao Dodke,
(Sister in Law), Aged about 32 years,
Occ: Housewife,

All Resident of Dahegaon, Tah. Saoner
Distt. Nagpur.

4. State of Maharashtra Through Police
Station Officer, Police Station
Khaparkheda, Dist. Nagpur.
Tahsil -Saoner Dist- Nagpur.

...RESPONDENTS

 Mr. D.A. Sonwane, Advocate (appointed) for petitioner.
 P. S. Patil, Advocate for respondent Nos. 1 to 3.
 Mr. Bhagwan M. Lonare, APP for respondent No.4.

CORAM : **M. M. NERLIKAR, J.**

DATE : **14.10.2025**

ORAL JUDGMENT :

Heard.

2. By way of this appeal filed under Section 372 of the Code of Criminal Procedure (“Code”) and Section 413 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”), the appellant is seeking to quash the impugned judgment and order dated 18.01.2024 passed by the learned 2nd Jt. Civil Judge Junior Division, Saoner in Regular Criminal Case No.218/2018, whereby, the learned Trial Court acquitted the respondent Nos. 1 to 3.

3. Brief facts of the case appears to be that:-

The appellant-wife married the respondent No.1 (husband) on 19.4.2017, as per the customs and rites prevailing in their religion and out of the said wedlock the

couple is blessed with one daughter. During cohabitation, Respondent Nos.1 to 3 used to torture appellant – Karishma Chatap compelling her to meet unlawful demand of money from her parents, and on refusal by her, used to harass her mentally and physically and also beat her. They also used to harass her for not giving birth to a son and wanted her to leave the matrimonial house.

4. It is alleged that on 20.9.2017, the mother-in-law quarrelled with the appellant on a trivial matter and also warned her not to stay in the matrimonial house. Even on 3.9.2017, after return from Adasa Temple, the mother in law and respondent No.3 quarrelled with the appellant and abused her in filthy language. Due to which the appellant got afraid and thought it unsafe to continue living in the matrimonial house.

5. Further, it is claimed that when on 18.9.2017, the appellant-wife gave money to respondent No. 3 to bring a Cake to Celebrate the birthday of her husband, she was accused by the respondent No. 1- husband of theft alleging that she has

stolen the money from him. Even though at the time when the accusation of theft was levied, the appellant was seven month pregnant, then also she was beaten with fist blows and kicks thereby stating that they do not want the child.

6. The respondent-husband took the appellant to her parents' house for delivery of the child and on 21.2.2018 she gave birth to a female child. After two months i.e. on 26.4.2018 of staying in her parents' house after delivery, when the appellant along with her parents reached her matrimonial house, she and her baby were immediately driven out by Respondent Nos. 1 and 2 on the count that they wanted a son, and also threatened her not to stay in the house. Therefore, the appellant lodged the complaint to Mahila cell at Nagpur.

7. Thereafter, the appellant on 1.6.2018 lodged the report at Police Station Khaperkheda complaining ill-treatment and unlawful demands made by Respondent Nos. 1 to 3. Hence, considering the nature of the complaint, the police registered the first information report for an offence under

section 498-A of Indian Penal Code. After completion of investigation, charge-sheet was filed. Charge was framed at Exh.22. The same was read over and explained to accused persons in vernacular language. However, they pleaded not guilty and claimed to be tried.

8. During trial, the appellant and her parents were examined. After completion of the evidence of both the parties, the learned Trial court on account of hostile witness acquitted the Respondent Nos. 1 to 3 under section 498-A of the Indian Penal Code. Being aggrieved by the same, the appellant has preferred this appeal.

9. In order to substantiate the case of the prosecution, the prosecution has examined as many as seven witnesses, these are PW-1 Karishma Chatpat who is the informant, PW-2 Balkrushnaji Aadmare, PW-3 Lobhaji Shirpurkar, PW-4 Sau. Sharda Shirpurkar, PW-5 Balwant Gujarkar, PW-6 Suryabhan Jalate and PW-7 Nilesh Bhijwad. In the deposition of the informant, she has stated that on 19.04.2017, the marriage between her and respondent No.1 was solemnized and after

marriage she was harassed and ill-treated on account of coat and articles not being given in the marriage as per the wish of the respondents. The accused No.1 declined to cohabit with her and abused her of belonging to beggar family. It is stated in the evidence that during pregnancy, proper treatment was not provided to her and when she gave birth to a female child, she was harassed on that count also and thrown out of the house. Therefore, she has lodged the First Information Report at Exh.34. In her cross-examination, it was brought on record that the petitioner was not paying attention to the chores of matrimonial house and was instead busy using social media sites like facebook and instagram. It was also tried to bring on record that the informant was insisting to reside separately along with accused No.1.

10. PW2 is spot panch who did not support the case of the prosecution and was declared hostile. So far as other witnesses are concerned, PW-3 father of the PW-1 has deposed the same version as PW-1. PW-4 mother of the PW1 has only deposed

about the accused ill treating PW-1. PW-5 is uncle of PW-1 whose evidence is hearsay.

11. Therefore, only the evidence of PW-1, PW-3 and PW-4 are relevant to decide the present case. After perusal of the evidence of all these witnesses, the ingredients of Section 498-A of the Indian Penal Code are not satisfied. Section 498-A of the Indian Penal Code reads as 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 purposes 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 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.]”

12. From bare perusal of Section 498-A it is evident that the conduct of the accused persons should demonstrate cruelty. To attract Section 498-A the cruelty should be such which 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) or the 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. Merely deposing about simple quarrels or use of filthy language is not sufficient to attract Section 498-A of the IPC.

13. It is further evident from the testimonies of all these three witnesses that there are major contradictions. From the the evidence of PW-1 it is apparent that for the purpose of delivery she had gone to her paternal home. Accordingly, she gave birth to a female child on 21.02.2018 and on the next date, accused Nos. 1 and 2 came to her parents' house in order to visit her, whereas, PW-4 stated in her evidence that after delivery, accused dropped PW-1 to her parental house. It has

further surfaced in the cross examination of the PW-1 that “साक्षीदार स्वतःहून सांगते की, मला आरोपी क्र.१ याच्यासोबत नांदण्याकरीता जायचे होते, त्यावेळी पोलिसानी मला प्रस्तुतची केस दाखल करण्यास सांगितले होते, त्यामुळे आरोपी क्र.१ याच्यासोबत नांदण्यासाठी जाण्याकरिता मी प्रस्तुतची केस दाखल केली आहे.”

14. Considering above facts and circumstances of the case and the evidence led by the prosecution, the prosecution has utterly failed to prove the case beyond reasonable doubt. The evidence of PW-1, PW-3 and PW4 do not inspire confidence and falls short in order to attract Section 498-A of the IPC. Hence, the following order:-

I. Appeal is dismissed.

(M. M. NERLIKAR , J.)