



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

**CRIMINAL APPLICATION (APL) NO. 1215 OF 2024**

Abdul Shoebkha s/o Salamkha Pathan and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station Mouda,  
District Nagpur Rural and another

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

Court's or Judge's orders

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Mr. N. Z. Mirza, Advocate for applicants.

Mr. N. H. Joshi, APP for non-applicant No.1/State.

Ms. Archana P. Murrey, appointed Advocate for non-applicant No.2.

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

**DATED : 11/12/2025**

1. By this application, the applicants are seeking quashment of FIR in connection with Crime No.176/2024 registered with Police Station Mouda, District Nagpur for the offence punishable under Sections 498-A, 324, 354, 504, 506 read with Section 34 of the Indian Penal Code.

2. As far as the applicant Nos.1 to 4 are concerned, on perusal of the FIR, we have shown our disinclination to entertain the application, and therefore, learned counsel for the applicants seeks permission to withdraw the application to the extent of the applicant Nos.1 to 4 with liberty to file discharge application. Therefore, the application is disposed of as far as the applicant Nos.1 to 4 are concerned.

3. The applicant No.5 Salim Abdul Pathan is neighbour, who approached this Court for quashment of FIR as crime is registered against him, on the basis of a report lodged by the informant on an allegation that there was illicit relationship between her mother-in-law and the present applicant No.5 and he used to visit her house and was having ill intention about her and with that ill-intention, he used to stare at her and hold her hand and pulled and thereby outraged her modesty. On the basis of the said report, police have registered the crime against the present applicant No.5. As far as the offence punishable under Section 498-A is concerned against the present applicant i.e. applicant No.5, admittedly, he is not within the definition of the term relative. The term relative has not been defined in Indian Penal Code and in absence of any such definition the applicant No.5 does not come within the definition of a relative. The word 'relative' has been defined in **P. Ramanatha Aiyar Advanced Law Dictionary** wherein it is defined that "Relative, "RELATIVE" includes any person related by blood, marriage or adoption. The expression "REALTIVE" means a husband wife, ancestor, lineal descendant, brother or sister. "RELATIVE" means in relation to the deceased, or the wife of the husband of the deceased; or the father, mother, children etc.

"RELATIVE" in relation to an individual means - The mother, father, husband or wife of the individual, or a son, daughter, brother, sister, nephew or niece of the individual, or a grandson or grand-daughter of the individual. By considering the said definition admittedly, the applicant No.5 is not come within the definition of the relatives, therefore, the offence punishable under Section 498-A is not attracted against the

applicant No.5 as specific wording used in Section 498-A of IPC is to the extent of husband or the relatives of the husband.

4. Section 498-A reads as under:

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. As the applicant No.5 is not come within the definition of relative therefore, the offence under Section 498-A will not attract against him.

5. Coming to the next allegation against the present applicant No.5 which appears to be general and vague allegation. She has not narrated as to the actual incident when it has took place regarding the pulling of the hand by the present applicant No.5. It is a general statement made by the informant regarding the act of the present applicant No.5. Moreover, she has not narrated a specific act of the said applicant No.5. Considering the omnibus and general allegation levelled against the present applicant No.5 and there is nothing on record to show that he has used any criminal force to outrage the modesty of the informant therefore, no *prima facie* case is made out against the applicant No.5, in view of that the application deserves to be allowed. Accordingly, we proceed to pass following order:

**ORDER**

(i) The application is **allowed partly**.

(ii) The FIR in connection with Crime No.176/2024 registered with Police Station Mouda, District Nagpur for the offence punishable under Sections 498-A, 324, 354, 504, 506 read with Section

34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No.82/2024 pending before the learned Civil Judge Junior Division and Judicial Magistrate First Class, Mouda, is hereby quashed to the extent of the applicant No.5 Mr. Salim Abdul Pathan.

(iii) The application of the applicant Nos.1 to 4 is disposed as withdrawn with liberty to file the discharge application.

The application is disposed of.

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