

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

CRIMINAL APPLICATION (APL) NO. 1607/2024

(Gurmeet Kaur Kawatra (Mother-in-law) Vs. State of Maharashtra & anr.)

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

Court's or Judge's orders

Mr. Saurabh Singha, Advocate for applicant.
Mr. N. Joshi, APP for non-applicant No.1/State.
Ms. Aarzoo Guglani, Advocate (appointed) for non-applicant No.2.

CORAM: NITIN B. SURYAWANSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 27/01/2025.

Heard.

2. This application is filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of RCC No. 1973/2024, pending in the Court of Judicial Magistrate First Class, Nagpur, registered on the basis of First Information Report ("FIR") at Crime No. 465/2023 registered with Police Station Mankapur, Nagpur City, District Nagpur for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code ("IPC").

3. Non-applicant No.2 (daughter-in-law) lodged FIR alleging that she got married with Pritpal Singh Manjit Singh Kawatra (son of applicant) on 21.05.2010 and after marriage, her husband used to abuse her and her parents for petty reasons. On 16.09.2022, her husband under the

influence of liquor abused and assaulted her therefore, she went to the Police Station and lodged report against her husband which was registered as non-cognizable case. Thereafter, the matter was referred to Bharosa Cell, Nagpur, where non-applicant No.2 informed that she wants divorce from her husband, On 09.12.2023, her husband came to her room and demanded an amount of Rs. 15,00,000/-. Her husband and applicant threatened and abused her.

4. Heard learned counsel for applicant, learned APP for non-applicant No.1/State and learned counsel for non-applicant No.2. Perused FIR and charge-sheet.

5. Applicant is mother-in-law of non-applicant No.2. Record indicates that she had advanced an amount of Rs. 14,52,456/- by way of financial help to non-applicant No.2 and her husband Pritpal Singh Kawatra for purchasing property. It appears from the record that non-applicant No.2 and her husband are staying in the same house, where applicant resides, however in separate rooms. They have matrimonial dispute between them. On 21.02.2023, applicant issued a legal notice through counsel to non-applicant No.2 and her husband Pritpal Singh Kawatra stating that applicant is staying along with the family of non-applicant No.2 and she is fully dependent on them. Non-applicant No.1 is serving in private company and earning handsome salary and her husband Pritpal Singh Kawatra is doing private work and not earning much. Non-

applicant No.2 has filed a divorce case in the Family Court in Nagpur against her husband Pritpal Singh Kawatra which is pending for judgment. Applicant had given an amount of Rs. 14,52,456/- to non-applicant No.2 on 30.01.2020 as a financial help to purchase the residential house. Said amount was given through UCO Bank Account. In case divorce is given, the applicant would face possibility of dispossession from the said house. Applicant therefore, requested both of them to refund amount paid by her or in the alternate, execute sale-deed of some portion of the said property in favour of applicant.

6. By notice reply dated 22.08.2023, non-applicant No.2 denied the contents of notice issued by the applicant.

7. The applicant on 20.06.2023 submitted an application to the Police Inspector, Mankapur, Nagpur stating that she has given financial help to her son and daughter-in-law. They both have family disputes and non-applicant No.2 has repeatedly lodged complaints against the applicant. She always quarrels and misbehaves with applicant. On 19.06.2023, at 09.00 p.m., non-applicant No.2 pushed her and asked her to go out of the house. She caught hold her hands and tried to oust applicant. Children and others intervened and saved her from non-applicant No.2. Applicant, therefore sought help of the Police so that without Court order, she should not be driven out the residential house. Vide reply dated 02.11.2023, the Police

have informed the applicant that the dispute between her and her daughter-in-law is a family dispute and she should approach Family Court for the same.

8. On 04.10.2023, applicant filed Special Civil Suit No. 1180/2023 against non-applicant No.2 for recovery of amount of Rs.14,52,456/-.

9. FIR in question is lodged on 27.12.2023 i.e. after receipt of the summons of the special civil suit by non-applicant No.2. In the FIR, vague allegations are levelled against the applicant and no specific instances are mentioned. It appears that only with a view to pressurize the applicant, her name is implicated in the FIR. No ingredients of offence under Section 498-A of the IPC are made out against the applicant in the FIR. It is obvious that applicant's name is implicated in the present crime due to personal grudge and with a view to settle the scores. In this view of the matter, continuation of prosecution against the applicant is abuse of the process of law.

10. For the aforesaid reasons, application is allowed on following terms:-

“(I) FIR No.465/2023 dated 27.12.2023, registered by Police Station Mankapur, Nagpur City for the offences punishable under Sections 498(A), 323, 504, 506, 34 of the Indian Penal Code is hereby quashed and set aside to the extent

of applicant.

(II) Charge sheet No. 33/2024 dated 10.04.2024 in FIR No. 465/2023 dated 27.12.2023, registered by Police Station Mankapur, Nagpur City for the offences punishable under Sections 498(A), 323, 504, 506, 34 of the Indian Penal Code is hereby quashed and set aside, to the extent of applicant.

11. Fees be paid to learned counsel appointed to represent non-applicant No.2 as per Rules, within four weeks from the date of uploading this order.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN B. SURYAWANSHI, J.)

Gohane