



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

CRIMINAL APPLICATION (APL) NO. 1619/2023

1. Narendra S/o. Madhukarrao Mule (husband),
aged 34 yrs., Occ. Government Servant-supervisor.
2. Sau. Manjubai S/o. Madhukarrao Mule (mother-in-law),
aged 53 yrs., Occ. Household,
3. Madhukarrao s/o Gopalji Mule (father-in-law),
aged 56 yrs., Occ. Construction,

All 1 to 3 R/o. Plot No.69, E-Block, rattan Nagar,
Ring Road, Nagpur, Tq. & Dist. Nagpur.

4. Amol S/o. Shankarraoji Chkole,
(friend of applicant No.1),
aged about 32 yrs., Occ. Manager,
R/o. Plot No.54, Mayurpeth, Aaradhana Nagar,
Nagpur, Tq. & Dist. Nagpur.

...APPLICANTS

VERSUS

1. State of Maharashtra, through PSO,
Chimur Police Station, Chimur,
Dist. Chandrapur.
2. Sau. Ashiwani w/o Narendra Mule,
aged about 27 yrs., Occ. Household,
R/o. Khadsangi, Tq. Chimur, Dist.
Chandrapur.

NON-APPLICANTS

Mr. S.A. Mohta, Advocate for applicants.
Mrs. S.S. Jachak, Addl. Public Prosecutor for non-applicant No.1.
Mr. S. Patrikar, Advocate for non-applicant No.2.

CORAM : ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.
DATE : 29.07.2025

ORAL JUDGMENT : (PER: M. M. NERLIKAR, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. By consent of parties, heard finally.

3. By this present application, the applicants are seeking quashment of Regular Criminal Case No. 68/2022 (charge-sheet No.45/2022) pending before the learned Judicial Magistrate First Class, Chimur, Dist. Chandrapur arising out of First Information Report ("FIR") bearing Crime No.188/2022, dated 13.06.2022 registered with Police Station Chimur, Dist. Chandrapur for the offence punishable under Section 498-A, read with Section 34 of the Indian Penal Code ("IPC"). The applicant No.1 is husband, applicant No.2 is mother-in-law and applicant No.3 is father-in-law of non-

applicant No.2, whereas applicant No-4 is the friend of applicant No.1.

4. At the outset, learned counsel appearing for applicants submits that he is not pressing the present application so far as applicant Nos. 1, 2 and 3 are concerned. However, he has pressed the application on behalf of applicant No.4 who is the friend of husband i.e. applicant No.1. Therefore, as the application is not pressed in respect of applicant Nos. 1, 2 and 3, we dispose of the present application to the extent of these applicants.

5. The allegations in the FIR against the applicant No.4 is as under:-

It is alleged that the applicant No.4 is the friend of the applicant No.1 who used to come at home of applicant No.1 and instigate applicant No.1. It is further alleged that the instigation was to the extent that he was insisting non-applicant No.2 to ask her father to give plot and car to applicant No.1 and if the demand is not fulfilled, he was convincing applicant No.1 to not cohabit with non-applicant No.2 and that she should be sent to her parental home.

These are the allegations which can be gathered from the FIR which is registered by non-applicant No.2.

6. The learned counsel appearing for applicant No.4 submits that applicant No.4 is the friend of applicant No.1 and therefore, he does not fall under the definition of Section 498-A of the IPC and therefore, the criminal proceedings would not lie against the applicant No.4. On the other hand, learned APP and learned counsel appearing for non-applicant No.2 submit that broad interpretation of Section 498-A of the IPC is required to be given and whoever harasses the wife will have to be considered as a relative of the husband.

7. We have considered rival submissions of the parties. The moot question before this Court is:-

“whether a friend can be said to be a relative of the husband?”

In order to answer the above issue, it will be useful to reproduce Section 498-A of the IPC as under:-

“498-A. 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.

a....

b.....”

8. The Hon’ble Supreme Court had an occasion to deal with somewhat identical issue in respect of “girlfriend” of the husband. In the case of ***Dechamma I.M. alias Dechamma Koushik Vs. State of Karnataka and another, 2024 SCC Online SC 3853***, in paragraph No.8, it observed as under:-

“8. This Court, in the case of U. Suvetha (supra), had an occasion to consider a question as to whether the girlfriend or a woman with whom a man has had romantic or sexual relations outside of marriage would be a “relative of the husband” for the purposes of prosecution under Section 498A of IPC.

9. This Court, after considering the earlier judgments of this Court and the dictionary meaning of a relative, observed thus:-

“18. 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 a 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.”

10. It could thus be seen that this Court has, in unequivocal terms, held that a girlfriend or even a woman with whom a man

has had romantic or sexual relations outside of marriage could not be construed to be a relative.”

9. The Hon’ble Supreme Court, while emphasizing on the phrase “status” of relative in the definition of Section 498-A, was pleased to observe the word “relative” brings within its purview a status. Such a status must be conferred either by “blood or marriage or adoption”, therefore, the Hon’ble Supreme Court in unequivocal terms held that a girlfriend or even a woman with whom a man has had romantic or sexual relations outside of marriage could not be construed to be a relative. Therefore, we have no hesitation in observing that the same analogy would be applied while interpreting the term “relative” defined under Section 498-A of the IPC in respect of a “friend”. A friend cannot be said to be a relative as he is neither a blood relative nor he was having any relation through marriage or adoption. Therefore, considering above facts and upon plain reading of Section 498-A of the IPC, we come to the conclusion that a friend of husband will not fall under the definition of “relative” of the husband as contemplated under

Section 498-A of the IPC. In this view of the matter, we are inclined to allow the application of the applicant No.4 i.e. Amol S/o. Shankarraoji Chkole in the following terms:-

(I) Application is allowed.

(II) We hereby quash and set aside Regular Criminal Case No.68/2022 (charge-sheet No.45/2022) pending before the learned Judicial Magistrate First Class, Chimur, Dist. Chandrapur arising out of First Information Report (“FIR”) bearing Crime No.188/2022, dated 13.06.2022 registered with Police Station Chimur, Dist. Chandrapur for the offence punishable under Section 498-A, read with Section 34 of the Indian Penal Code (“IPC”).

10. Application stands disposed of in above terms.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)