



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

CRIMINAL APPLICATION (APL) NO. 752 OF 2025

(Keshao S/o Vithobaji Bhonde

Vs.

State of Maharashtra, Thr. PSO, Police Station Paratwada, Tah.
Achalpur, District Amravati & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Kushal R. Jain, Advocate a/w Mr. Pratik S. Lingayat, Advocate h/f
Mr. V.S. Giramkar, Advocate for the Applicant.
Ms. Shamsi Haider, APP for the Non-applicant No.1/State.

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

DATED : 7th OCTOBER, 2025

1. By this Application, the present Applicant who is the friend of the father-in-law of the Informant seeks quashment of the FIR in connection with Crime No.349/2022 registered with Police Station, Paratwada, District Amravati under Sections 323, 498-A, 504 read with Section 34 of the Indian Penal Code.

2. The FIR is lodged by the Non-applicant No.2 on an allegation that her marriage was performed with one Rupesh S/o Bhagwat Boharapi on 27.05.2019 and after marriage she resumed the cohabitation but she was not treated well and for various reasons she was illtreated by the other co-accused as well as the present Applicant who is the friend of the father-in-law. On the basis of the said report, Police have registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant, who submitted that as far as the present Applicant is concerned against whom the false, baseless and omnibus allegations are levelled. No specific instances are narrated as far as the role of the present Applicant is concerned. He further submitted that, moreover the present Applicant is not within the definition of “relative”, and therefore, the provision under Section 498-A of IPC is not attracted against the present Applicant. In view of that, the FIR against him deserves to be quashed.

4. Learned APP strongly opposed for the same and submitted that, considering the statement of the Informant before the Investigating Officer, sufficiently shows the involvement of the present Applicant in the alleged offence. In view of that, the Application deserves to be rejected.

5. Despite service of notice, none appears for the Non-applicant No.2.

6. On hearing both the sides and on perusal of the recitals of the FIR, which shows that no specific instances are narrated as far as the role of the present Applicant is concerned. A specific allegation is levelled against him that he being the friend of her father-in-law subjected her for the ill-treatment by instigating the other co-accused.

7. As far as the present Applicant is concerned, on perusal of Section 498-A of IPC, which 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.”

8. Admittedly, the definition of “relative” has not been defined in the Indian Penal Code and in the absence of such definition we have to consider the word “relative” which has been defined in P. Ramanatha Aiyar Advanced Law Lexicon - Volume 4, 3rd Edition as under:

“Relative, “RELATIVE” includes any person related by blood, marriage or adoption.

The expression “RELATIVE” means a husband wife, ancestor, lineal descendant, brother or sister.

“RELATIVE” means in relation to the deceased,

a) the wife or husband of the deceased;

b) the father, mother, children, uncles and aunts of the deceased, and

c) any issue of any person falling, within either of the preceding sub-clauses and the other party to a marriage with any such person or issue.”

9. In the light of the above said connotation if the relationship of the present Applicant with the other co-accused is concerned, admittedly he is not the relative within the meaning of the definition given under the said Dictionary i.e. Law Lexicon. Moreover, the allegation against the present Applicant is of a general nature and omnibus.

10. Now, this issue is already settled by the Hon’ble Apex Court in the case of ***Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Ors., MANU/SC/1309/2024***, wherein the Hon’ble Apex Court has held that, the family members of the husband ought not to be unnecessarily roped into

criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. As far as the present Applicant is concerned, admittedly he is not the relative also.

11. The Hon'ble Apex 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.

12. In the case of ***Dechamma I.M. alias Dechamma Koushik Vs. State of Karnataka and Anr. 2024, SCC OnLine SC 3853***, in paragraph No.8, it is 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."

13. Such a status must be conferred either by “blood or marriage or adoption”, therefore, the Hon’ble Apex 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.

14. Here in the present case, the friend of the father-in-law cannot 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 IPC in respect of a “friend”, and therefore, we inclined to entertain the Application and proceed to pass the following order.

ORDER

i. The Application is **allowed**.

ii. The FIR in connection with Crime No. 349/2022 registered with Police Station, Paratwada, District Amravati under Sections 323, 498-A, 504 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

15. Pending application/s, if any, shall stand disposed of accordingly.

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