



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

CRIMINAL APPLICATION (APL) NO.545 OF 2025

APPLICANTS :- 1) Ramesh Manganbhai Patel,
Aged about 66 years, Occu: Business.

2) Ritaben Rameshbhai Patel,
Aged about Years,
Occu: Household.

Both r/o Opposite Suvidha Hotel,
Railway Station Road, Ramdaspath, Akola, District Akola.

..VERSUS..

RESPONDENTS :- 1) The State of Maharashtra,
through Police Station Officer, Police Station Shivaji Nagar, Khamgaon, District Buldhana.

2) Sau Madhuri Lakhan Patel,
Aged about 26 years, Occu: Household, R/o c/o Rajesh Lalaji Rathod, Kisan Nagar, Khamgaon, Tah.Khamgaon, District Buldhana.

Mr. Nilesh Tikar, counsel with Mr. R.D. Karode, counsel for applicant.
Mr. N.B. Jawade, APP for respondent/State.
Ms Sukshmalata Dhone, counsel (appointed) for respondent No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 06/03/2026

ORAL JUDGMENT :

1. Heard.

2. **ADMIT.** Heard finally by consent of learned counsel for the applicant, learned APP for respondent/State and learned appointed counsel for respondent No.2.

3. By this application, the applicants are seeking quashing and setting aside the First Information Report (FIR) registered with respondent No.1/Police Station in connection with Crime No. 345/2024 for the offence punishable under Sections 85, 3(5), 115(2) of the Bhartiya Nyaya Sanhita, 2023.

4. The crime is registered on the basis of a report lodged by respondent No.2. It is alleged that her marriage was performed with the co-accused Lakhan Anil Patel, and after marriage she resumed cohabitation with him. As per her allegations, her father incurred all the expenses of the marriage. However, after the marriage she was ill-treated her for various reasons, including an unlawful demand of Rs. 25,000/-. She further alleged that she was subjected to physical as well as mental tortured by the present applicants and other co-accused. On the basis of the said report, police have registered the crime against the present applicants.

5. Heard learned counsel for the applicants, who submitted that the applicants are not fall within the purview of “relatives” of the husband and therefore, the provisions of Section 498-A of the IPC is not applicable in the present case. He submitted that even accepting the allegations as it is, no specific instances are narrated against the present applicants. Except the allegation that they had settled the marriage, there is no other allegations levelled against them. In view of this, application deserves to be allowed.

6. Learned APP strongly opposed the present application and submitted that considering the present applicants had settled the marriage

and they have also subjected her for ill-treatment therefore, the application deserves to be rejected.

7. Learned counsel for respondent No.2 also endorsed the same contention and prays for rejection of the application.

8. After hearing both the sides and on perusal of the entire recitals of the FIR, it reveals that, as per the allegations, the present applicants are the mediators of the said marriage.

9. Section 498A of the Indian Penal Code which reads as under:- Husband or relative of husband of a woman subjected her 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.

10. The term relative is defined by the Hon'ble Apex court in the case of ***U.Suvetha Vs State By Inspector Of Police And Another Reported In (2009) 6 SCC 757***, wherein the Hon'ble Apex Court observed that 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.

A person shall be deemed to be a relative of another if, and only if, -

- a) they are the members of a Hindu undivided family, or
- b) they are husband and wife; or
- c) the one is related to the other in the manner indicated in Schedule I-A.

11. The Hon'ble Apex Court further observes that the term "RELATIVE" in relation to an individual means - a) The mother, father, husband or wife of the individual, or b) a son, daughter, brother, sister, nephew or niece of the individual, or c) a grandson or grand-daughter of the individual, or d) the spouse of any person referred to in sub-clause (b).

"REALTIVE" means -

- 1) spouse of the person ;
- 2) brother or sister of the person ;
- 3) brother or sister of the spouse of the person;
- 4) any lineal ascendant or descendant of the person;
- 5) any lineal ascendant or descendant of the spouse of the person.

By applying the said ratio to the present case, admittedly there is nothing is on record to show that they are anyway to related to the husband of the respondent No.2. The only allegation against the present applicants is that though the ill-treatment was disclosed to them being a mediator of the marriage, they have not interfered in it and thereby they have committed the offence.

12. For the purpose of Section 498-A "cruelty" means – (a) any willful conduct which is of such a nature as is likely to derive 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 a 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.

13. Furthermore, there is no doubt that the object of introducing Chapter XX containing Section 498-A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing the husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry.

14. In any event, the willful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498-A of the Indian Penal Code. In the absence of the said requirement, the offence is not constituted against the present applicants. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is **allowed**.
- b] The FIR in connection with Crime No. 345/2024 registered with respondent No.1 police station for the offence under Sections 85, 3(5), 115(2) of the Bhartiya Nyaya Sanhita, 2023 and consequent proceedings bearing Regular Criminal Case No. 558/2025 is hereby quashed and set aside to the extent of present applicants.
- c] The fees of the appointed counsel be quantified as per rule.

(URMILA JOSHI PHALKE, J.)