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**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE  
FIR/ORDER) NO. 14331 of 2019**

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Versus  
STATE OF GUJARAT & ANR.

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**Appearance:**

MR. ZALAK B PIPALIA(6161) for the Applicant(s) No. 1

MR SOHAM JOSHI, APP for the Respondent(s) No. 1

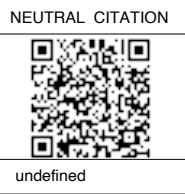
RULE SERVED BY DS for the Respondent(s) No. 2

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**CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI****Date : 23/04/2025****ORAL ORDER**

1. By way of this application under Section 482 of the Code of Criminal Procedure, 1973, the applicant has prayed to quash and set aside the FIR being II-C.R.No.126 of 2010 registered with Mahila Police Station, Rajkot City for the offences under Sections 498(A), 323, 504, 506(2) and 114 of Indian Penal Code and all the consequential proceedings arising therefrom.

2. Learned advocate for the applicant would submit that as per FIR the petitioner is paramour of husband of complainant. Learned advocate for the applicant takes this Court through relevant allegations in the FIR and submits that except allegations that the petitioner was in relationship with husband of the complainant, there is no other allegations levelled against the petitioner. Learned advocate for the applicant having referred to judgment of Hon'ble Apex Court in the case of **U.Suvetha v/s.**



**State by Inspector of Police [2009 (6) SCC 757]** and in the case of **Dechamma I.M.@ Dechamma Koushik v/s. State of Karanataka [2024(0) INSC 972]** would submit that term relative of husband of woman does not include girl-friend as relative of husband of woman. He would submit that word relative brings within purview of status and such status must be conferred either by blood or marriage or adoption. In the present case, petitioner is not relative of husband of woman and provision of section 498(A) would not be attracted.

2.1. Upon above submissions, it is submitted to allow the application.

3. Learned APP Mr.Joshi submits that apart from section 498(A) of IPC, allegations of offence under section 323, 504, 506(2) and 114 of IPC are made in the FIR. It is submitted that since necessary ingredient are found from the FIR, it is submitted not to quash the FIR and submitted to dismiss the application.

4. I have heard learned advocates for both the sides, perused record as well as authority cited at bar. It is noticed that the petitioner is alleged to be girl-friend of the husband of the complainant. No status has been align with the petitioner. Learned APP who argued to disallow the application, could not found any relationship of petitioner with husband of complainant, except she being girl-friend of the husband. I may refer to relevant part of the FIR, which reads as under :-

*"My husband reiterated and threatened me, "I have an*



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*affair with a woman named [REDACTED] daughter of [REDACTED] residing in Rajkot. Therefore, you must divorce me, otherwise I shall kill you.” Additionally, a woman named [REDACTED] would frequently visit our home and assert “I have affair with your husband [REDACTED] therefore you should divorce [REDACTED]” She uttered abusive words to me causing harassment and severe mental and physical cruelty. Furthermore, on several occasions, Rajniben accosted me in public places, reiterating “Leave your husband otherwise I will harass you.” and entered to quarrel.”*

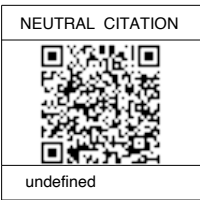
6. Examined the allegations levelled in the FIR, which indicates that apart from petitioner being girl-friend of husband of complainant, no other relative has been align to her. Hon'ble Apex Court in the case of Dechamma I.M. Koushik (supra) having referring to judgment in the case of U.Suvetha (supra), held in para 8 to 10 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."*

7. Apart from above material placed on record by way of FIR as well as charge-sheet, no other offence alleged in the FIR attract essential ingredients of sections 323, 504, 506(2) of IPC are missing in absence of documentary evidence supporting case of complainant. In this circumstances, the petitioner cannot be permitted to face rigmarole of the trial.

8. In view of above, present petition is partly allowed. FIR being II-C.R.No.126 of 2010 registered with Mahila Police Station, Rajkot City as well as all consequential proceedings initiated in pursuance thereof are hereby quashed and set aside qua the applicant. Direct service is permitted.

SATISH

**(J. C. DOSHI,J)**