

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 461 OF 2025

Vishal Vasant Pawar & Ors. .. Petitioners

Vs.

State of Maharashtra & Anr. .. Respondents

...

Mr. Sanjay Dubbey, through V.C., a/w Ms. Pooja Bhatt, Advocate for the Petitioners.

Mr. K. V. Saste, Additional Public Prosecutor for Respondent No.1-State.

Mr. Mateen Shaikh a/w Ms. Muskan Shaikh, Advocates for Respondent No.2.

...

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 12th NOVEMBER 2025.

P.C. :

The petitioners are aggrieved by registration of the FIR vide First Information Report No. 131 of 2024 registered on 5th December 2024 at Goregaon Police Station, Taluka-Maangaon, District – Raigad.

2. The petitioners state that the registration of the FIR against them is by way of revenge by the respondent no.2 who was issued a notice in the divorce proceedings. According to the petitioners, it was the respondent no.2 whose behaviour in the initial months of the marriage was not good and that was the reason there was a strained relationship between the couple. The respondent no.2 secretly installed a call recording device in the phone of the petitioner no.3 and she has made wild and frivolous allegations against them. The

family of the respondent no.2 visited Pune in June 2023 and raised dispute over financial matters. According to the petitioners, the efforts were taken to reconcile the differences and disputes between the parties and a meeting was held on 11th August 2024 which was attended by 20 persons but the family members of the respondent no.2 became aggressive and assaulted the petitioner no.1 and his family members. According to the petitioners, the respondent no.2 instituted the criminal proceeding against them when a legal notice was issued to her under section 9 of the Hindu Marriage Act, 1955. The learned counsel for the petitioners submits that the criminal proceedings against the petitioners are abuse of the process of law inasmuch as even the petitioner no.7 who is the uncle of petitioner no.1 and residing in United States of America has been roped in as an accused. No specific allegation has been levelled against any one of the petitioners and the complaint is completely vague.

3. The learned counsel for the respondent no.2 has opposed quashing of First Information Report No. 131 of 2024.

4. In the complaint made by the respondent no.2, there are allegations made by her. It is stated that a charge-sheet has been laid after the investigation and, therefore, we are not making observations on the merits of the case. However, we may observe that a criminal proceeding can be quashed where it is found that the allegations are of civil nature. A criminal proceeding can also be quashed when it is demonstrated before the Court that the criminal proceeding has been taken out to wreak vengeance on the accused persons. Merely because a petition under section 9 of the Hindu Marriage Act, 1955 has been filed or a divorce proceeding has been taken out, it cannot be inferred that the criminal proceeding has been instituted against the petitioners to take revenge. The decisions of the Hon'ble Supreme

Court in “*State of Haryana & Ors. v. Bhajan Lal & Ors.*” 1992 Supp (1) SCC 335 and “*Rajesh Sharma v. State of Uttar Pradesh & Anr*”, (2018) 10 SCC 472 do not lend help to the petitioners. It is not necessary that cruelty and harassment must always be in physical form. A person not living with the complainant can also inflict torture and harassment through spoken words.

5. Writ Petition No. 461 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

PRAVIN
DASHARATH
PANDIT
Digitally signed
by PRAVIN
DASHARATH
PANDIT
Date:
2025.11.17
11:23:09 +0530