IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 CRIMINAL APPLICATION NO. 1392 OF 2026

Sameer Dagdu Tadvi ….APPLICANT

VERSUS

1. The State of Maharashtra
Thr. its Raver Police Station,
Tq. Raver, Dist. Jalgaon

2. Afrin Hussain Tadvi ….RESPONDENTS

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Mr Harshal P. Randhir, Advocate for Applicant
Mr S. K. Shirse, APP for Respondent No.1/State
Mr Avinash Patil, Advocate h/f Mr Ujwal Patil, Advocate for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 31st OCTOBER, 2026

P. C. :

1. Heard learned Advocate Mr Randhir for the applicant, learned APP for respondent No.1/State and learned Advocate for respondent No.2.

2. By this application, the applicant is praying for quashing and setting aside the FIR bearing C.R.No. 84/2024, dated 11/03/2021, registered against him at the behest of respondent No.2/complainant

with Raver Police Station, Tq. Raver, Dist. Jalgaon, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code; the consequential Charge Sheet No.214/2024, dated 22/10/2024; the criminal proceedings bearing R.C.C. No.150/2024, filed before the learned Judicial Magistrate First Class, Raver and the order dated 15/04/2025 therein, thereby taking cognizance of the charge-sheet.

3. The marriage of respondent No.2 took place with Hussain Dagdu Tadvi on 28/11/2024 and out of said wedlock she gave birth to a child (son). Respondent No.2 alleges in the aforesaid FIR that, four months after her marriage, the in-laws started to harass her on petty issues. She further alleged that the differences between her and in-laws arose because of the expenditure on her delivery was borne by in-laws. After the recovery she went to her parents house at Pal and thereafter, she came to reside with the applicant. It is alleged that the her husband used to demand amount expended by him towards her delivery, and on that ground, he used to abuse and physically assault her. She further alleged in the report that her husband is having extra-marital affairs with other lady, and therefore, she was being ignored by her husband and her in-laws used to treat her like servant. It is alleged that consequently, in view of this ill-treatment, she came to reside with

her parents on 06/12/2023. Thereafter, she approached to Women Cell, Jalgaon, where the accused were summoned. Her husband alleged to have asked for divorce there, and since no compromise took place between the parties, she approached the police station and lodged the aforesaid FIR.

4. Learned Advocate for the applicant submits that, mere perusal of the FIR, it appears that the only allegation against the present applicant is that, he alongwith other accused persons used to ill-treat respondent No.2 like a maid-servant. According to him, apart from this, there is no specific allegation, date or events have been stated in the FIR by respondent No.2 against applicant. He further submits that the applicant is brother-in-law of respondent No.2, aged about 24 years and pursuing the competitive examination. According to him, the allegations against him is of general nature, and as such, he can not be said to be involved in the instant crime. He, therefore, prays for quashing the FIR and the consequential criminal proceedings filed against the applicant, by allowing the present application.

5. Per contra, learned APP strongly opposes the instant application. According to him, respondent No.2 has given narration of ill-treatment meted out by the applicant. She also stated that the

applicant is one of the accused and he also used to ill-treat her like a maid servant. He, therefore, submits that, as there is sufficient incriminating material against the present applicant, he is liable to be prosecuted before the learned Trial Court. He, therefore, prays for rejection of the instant application.

6. Learned Advocate Mr Patil for respondent No.2 also strongly opposes the instant application. He reiterates the submissions of the learned APP. He submits that there is sufficient incriminating material against the applicant and he does not deserve any relief from this Court. He, therefore, prays for rejection of the instant application.

7. After hearing submissions advanced by the learned Advocates for the respective parties and going through the material placed before this Court including FIR and entire charge-sheet, it found that allegation against the present applicant is that of ill-treating respondent No.2 like a maid-servant. respondent No.2 has levelled general allegations of demand of money and harassment against all the applicants. Apart from this, there are no serious allegations are made against present applicant. It appears that the applicant has been implicated as accused on account of his relationship with the husband of respondent No.2. The allegations against him are found to be vague

and general in nature. No specific incident, date or event has been stated in the FIR, so as to attribute any specific overt act to the applicant.

8. It is further found that the FIR has been lodged as a result of matrimonial differences between the husband and wife and that the relative of the husband has been implicated on account of his relationship with him. Neither the contents of the FIR nor the statements recorded by the Investigating Officer disclose any specific overt act on the part of any of the applicant so as to attract the provisions of the penal sections invoked against him.

9. In that view of the matter, since there is no specific allegations against the applicant and the applicant has been found to be deliberately implicated in the instant crime, the present case is covered by the judgment of the Hon'ble Apex Court in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335,** wherein the Hon'ble Apex Court recognized the power of the High Court to quash criminal proceedings in appropriate cases where the allegations do not disclose an offence or where the proceedings fall within the recognized categories warranting interference to prevent abuse of the process of law.

10. The Hon'ble Supreme Court, in the case of **Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741,** observed that, in matrimonial disputes, there is tendency to implicate the relatives of the husband without specific allegations disclosing their involvement in the alleged offences. Such relatives may be compelled to face criminal proceedings despite there being no specific material indicating their involvement. The Hon'ble Supreme Court has, therefore, recognized the need to examine whether the allegations against the relatives of the husband disclose a prima facie case or whether their implication would amount to an abuse of the process of law.

11. In view of the aforesaid discussion, it is found that the allegations against the applicant, as reflected in the complaint, are general in nature and that no specific overt act has been attributed to him. The applicant appears to have been implicated on account of his relationship with the husband of respondent No.2. Therefore, in order to prevent the abuse of the process of the Court and to secure the ends of justice, the instant application deserves to be allowed and the criminal proceedings against the applicant deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) The Criminal Application is allowed.

(b) The FIR bearing C.R.No. 84/2024, dated 11/03/2021, registered with the Raver Police Station, Tq. Raver, Dist. Jalgaon, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code; the consequential Charge Sheet No.214/2024, dated 22/10/2024; the criminal proceedings bearing R.C.C. No.150/2024, filed before the learned Judicial Magistrate First Class, Raver and the order dated 15/04/2025 therein, thereby taking cognizance of the charge-sheet, are quashed and set aside insofar as the present applicant is concerned.

[SUSHIL M. GHODESWAR, J.]

sjk