IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 CRIMINAL APPLICATION NO. 3323 OF 2026

Shrirang Padmakar Kothavade And Others
VERSUS
The State Of Maharashtra And Another
.....
Mrs. L. R. Thakur, Advocate for Applicant.
Mr. C. V. Bhadane, APP for Respondent – State.
Mrs. Sayali Tekale-Dadpe, Advocate for Respondent No.2 (Appointed).
.....
CORAM : SUSHIL M. GHODESWAR, J.

DATE : 28 OCTOBER, 2026

PC:

1. Since nobody is appearing on behalf of respondent No.2, Mrs. Sayali Tekale-Dadpe is hereby appointed to represent respondent No.2 the Legal Aid Panel. She is granted time to prepare the matter.

2. Matter is called out again and heard learned counsel for the respective parties.

3. By this Criminal Application the applicants are challenging the FIR No.266 of 2022, dated 3 September 2022, registered at the behest of respondent No.2 for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, Charge-sheet in criminal proceeding being RCC No.82 of 2023 and issue process order dated 11 January 2023 below Exhibit -1 by the learned Judicial Magistrate, First Class, Dhule.

4. The learned advocate for the applicants submitted that the applicants have been implicated in the crime on account of their relationship with the husband of the informant. They have been falsely implicated in the crime and have no concern with the crime in question. The learned counsel for the applicants further submitted that the continuation of the criminal prosecution against them would amount to an abuse of the process of law and, therefore, they have approached this Court seeking quashing of the FIR in question.

5. The learned counsel for the applicants submitted that the FIR contains only vague and general allegations against the relatives of the husband, without attributing any specific overt act, date, time, or particular incident to them. As no specific role has been assigned to any of the applicants, the continuation of the proceedings against them would amount to an abuse of the process of law. Hence, the applicants prayed for quashing of the FIR and the proceedings arising therefrom.

6. Per contra, the learned APP strongly opposed the instant application. He submitted that sufficient material is available against the applicants. He referred to the statements of the witnesses recorded by the Investigating Officer and submitted that the applicants had abetted the crime in question. He, therefore, prayed for rejection of the instant application.

7. The learned counsel for respondent No.2/ informant also strongly opposed the instant application. According to him, sufficient allegations have been made against the applicants and they have played major incriminating role in the crime in question. Their participation would be established at the time of trial. It would be premature to conclude that they are not involved in the crime. They are required to be prosecuted before the trial Court for having committed serious crime against respondent No.2. Hence, the learned counsel for respondent No.2 prayed for rejection of the instant application.

8. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it is found that the applicants have been implicated as accused on account of their relationship with the husband of respondent No.2. The allegations against them 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 applicants. The FIR contains only vague and omnibus allegations against them. Therefore, such bald allegations, in the absence of specific allegations disclosing their individual involvement in the crime, are insufficient to justify the continuation of criminal prosecution against them.

9. It is further found that the FIR has been lodged as a result of matrimonial differences between the husband and wife and that the

relatives of the husband have been implicated on account of their 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 applicants so as to attract the provisions of the penal sections invoked against them.

10. The Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, 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.

11. 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.

12. In view of the aforesaid discussion, it is found that the allegations

against the applicants, as reflected in the complaint, are general in nature and that no specific overt act has been attributed to them. The applicants appear to have been implicated on account of their 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 applicants deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) The Criminal Application is allowed.

(b) FIR No. 266 of 2022 dated 3 September 2022 registered against the applicants, and the further consequential proceeding, Charge-sheet in RCC No.82 of 2023 and issue process order dated 11 January 2023, are quashed and set aside insofar as the present applicants are concerned.

(c) Mrs. Sayali Tekale-Dadpe, learned advocate for respondent No.2 is appointed by this Court. Therefore, her fees be quantified and paid to her as per rules, by the High Court Legal Aid Services Sub Committee, Aurangabad Bench.

(SUSHIL M. GHODESWAR, J.)

Kiran Kawre