



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

Corrected as per
Hon'ble Court's
order dated
01.09.2026

CRIMINAL APPLICATION (APL) NO.1688 OF 2025

1. Latif @ Ethesham Sattar Malik
Age 34 years, Occ: Handloom shopkeeper,
2. Abdul Sattar Malik
Age – 59 years, Occ: Ration and Food Grain Shopkeeper
3. Kaneez Fatima Malik
Age 54 years, Occ: Housewife
4. Sultana Malik
Age 37 years, Occ: Household
5. Zeeshan @ Yasin Malik
Age 32 years, Occ: Civil Engineer
6. Faizan Malik
Age 28 years, Occ: E-Services,

Applicant Nos.1 to 6 are
R/o House No.604, Malik Manzil,
Near Babu Agarbattiwale's Household
Badhukha Minar, Gandhibagh,
Nagpur.

...APPLICANTS

...V E R S U S...

Ishrat Latif @ Ehtesham Sattar Malik
Aged about 32 years, Occ: Household,
R/o C/o Anisuddin Qazi, Bypass Road,
Teacher Colony, Adyalwale Layout,
Belgaon, Umerd, Tah. Umred,
Dist. Nagpur – 441203.

...NON-APPLICANT

Shri V.B. Gawali, Advocate for applicants.
Shri G.H. Barange, Advocate for non-applicant.

CORAM:- M.W. CHANDWANI, J.
DATE :- 24.08.2026

ORAL JUDGMENT:

1. **Admit.**

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2. The applicants seek quashing of domestic violence proceedings bearing Criminal Miscellaneous Application No.10/2025, filed by the non-applicant – wife before Judicial Magistrate First Class, Umred against the applicants.

3. Applicant no.1 is the husband of the non-applicant who got married to her on 10.05.2024. Applicant nos.2 and 3 are the father-in-law and the mother-in-law of the non-applicant. Whereas, applicant no.4 is the sister-in-law and applicant nos.5 and 6 are brothers-in-law of the non-applicant. The present proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 (for short “**DV Act**”), came to be instituted by the non-applicant against the applicants out of matrimonial discord.

4. Before proceeding to deal with the allegations made in the application, it is to be mentioned here that the application on behalf of applicant Nos.1, 3 and 4 is not pressed. Therefore, the

present application is restricted to applicant No.2 – father-in-law and applicant Nos.5 and 6– brothers-in-law of the non-applicant.

5. The domestic violence proceedings have been filed by the non-applicant against the applicants alleging that after marriage, the non-applicant resided at the house of the applicants situated at Gandhibagh where she was subjected to continuous physical and mental harassment. It is alleged that the father of the non-applicant spent almost ₹2 lakh in the engagement ceremony and thereafter, ₹11 lakhs in the marriage ceremony of the non-applicant.

6. The applicants initially showed their house at Kalmana when the marriage talks were going on between the families. However, after marriage, they took the non-applicant to their original house at Gandhibagh. One day, when the non-applicant opened the window of the house, applicant No. 1 abused her and asked her not to open the window. She was not even allowed to go to the terrace. CCTV cameras were also installed to control the activities of the non-applicant. It is also alleged that applicant Nos.1, 3 and 4 pressurized the non-applicant to bring earrings, gold chain and a two-wheeler vehicle apart from an

amount of ₹5 lakhs. On this count, the non-applicant was abused by applicant No.1 – husband and applicant no.3 – mother-in-law. The entire household work was expected to be done by the non-applicant and even after completing the work, applicant Nos. 1, 3 and 4 used to abuse the non-applicant and were treating her as a labourer. The complaint under Section 12 of the DV Act further depicts that applicant Nos. 3 and 4 – the mother-in-law and the sister-in-law used to ill-treat the non-applicant. Applicant nos.3 and 4 used to instigate applicant No. 1 and applicant No.1 used to abuse the non-applicant. In spite of being the daughter-in-law of the house, the non-applicant was being treated as a labourer. She had no right to even choose what kind of food is to be cooked. On 17.06.2024, applicant Nos.3 and 4 pretended that they are sick and shifted the entire workload of the house on the non-applicant on the occasion of Eid as a result of which, she could not offer namaz. On this ground also, applicant Nos. 3 and 4 abused her and harassed her mentally. Both of them used to taunt her and used to instigate applicant Nos.2, 5 and 6 to participate in the harassment. On the day of Eid, applicant No.1 abused her for the reason that the food prepared by her for the occasion of Eid was not upto the mark. On 19.06.2024, applicant Nos.1 and 3 harassed the non-applicant and made her apologize to them by touching the

feet of applicant Nos.2, 3 and 4. On 20.06.2024, the applicants did not attend the marriage ceremony of the relatives of the non-applicant even after repeated requests. When she returned from her parental house on 04.08.2024, the behavior of applicant No.1 drastically changed and he started abusing her and threatening her. On 09.08.2024, when the non-applicant was ill, applicant No.1 did not take her to the hospital. Therefore, the non-applicant called her brother who took her to the hospital. She was then diagnosed with Chikungunya fever and the entire expenses of the treatment were borne by the father of the non-applicant. On 26.09.2024, applicant Nos.1 to 6 abused her and ousted her from the house. Since then, the non-applicant is residing with her parents.

7. Learned counsel for the applicants vehemently submitted that there are no allegations whatsoever against applicant Nos.2, 5 and 6. Only two omnibus statements have been made wherein, it has been stated by the non-applicant that the applicants ordered the non-applicant to serve all the applicants and another statement that on 26.09.2024, applicant Nos. 1 to 6 abused the non-applicant and ousted her. There are no specific details of the allegations against applicant nos.2, 5 and 6 in the

entire complaint under Section 12. The entire complaint is silent about the allegations against applicant Nos. 2, 5 and 6 except these two statements. Therefore, in spite of having played no role, applicant nos.2,5 and 6 have unnecessarily been made a party in the domestic violence proceedings before the learned JMFC. The only object behind adding these applicants in the DV proceedings is just to harass them. Nowadays, relatives of the husband are being unnecessarily harassed by filing these type of proceedings against them. Therefore, he sought quashing of the DV proceedings filed against applicant nos.2,5 and 6.

8. The learned counsel appearing on behalf of the non-applicant submitted that all the applicants including applicant nos.2, 5 and 6 used to harass the non-applicant. According to him, it was stated before marriage that the applicants and the non-applicant would reside in the house at Kalmana but surprisingly, after marriage, the non-applicant was taken to the house of the applicants at Gandhibagh, which is a commercial area. She was harassed by the applicants every now and then. According to him, applicant nos.2, 5 and 6 were also involved in the harassment caused by applicant Nos.1, 3 and 4. They used to instigate the

husband of the non-applicant and therefore, he sought rejection of the application.

9. Having heard the learned counsel for the applicants as well as the learned counsel for the non-applicant and having gone through the complaint made under Section 12, it transpires that the non-applicant has filed a complaint under Section 12 of the DV Act praying for a restraining order against all the applicants restraining them from harassing the non-applicant and her relatives. The non-applicant has also sought for a direction to pay ₹5,000/- per month towards rent or an independent house in the alternate apart from maintenance of ₹10,000/- per month as well as ₹15 lakhs as compensation towards harassment and for ruining the life of the non-applicant.

10. The allegations made in the complaint referred above depict that the main allegations of harassment and demand of earrings, gold chain and a two-wheeler vehicle, apart from ₹5 lakhs are levelled against applicant Nos.1, 3 and 4. The allegations of harassment which relate to the day-to-day work of the non-applicant are also attributed to applicant Nos.1, 3 and 4, whereby she has alleged that applicant No. 1 used to beat her at the

instance of applicant Nos. 3 and 4 and applicant Nos. 3 and 4 every now and then, used to harass her on account of domestic work and treated her as a labourer. However, perusal of the entire complaint does not depict any specific role assigned by the non-applicant to applicant no.2 – father-in-law and applicant nos.5 and 6 – the brothers-in-law of the non-applicant. These three applicants are male members of the family, apart from the husband of the non-applicant. There are only two sentences in the entire 11 pages of the complaint in the form of omnibus statements that applicant Nos. 1 to 6 ordered the non-applicant to serve the entire family and another statement that on 26.09.2024, applicant Nos.1 to 6 abused her and ousted her from the house. Apart from these omnibus statements, there is no other allegation against these male members of the family in the entire complaint. Thus, the main grievance of the non-applicant appears to be against non-applicant Nos. 1, 3 and 4 and not against applicant nos.2, 5 and 6 i.e. the father-in-law and the brothers-in-law.

11. What ultimately emerges from the cumulative reading of the allegations against applicant nos.2,5 and 6 in the DV complaint is that the non-applicant has narrated several detailed allegations concerning applicant Nos.1, 3 and 4. The allegations

against applicant nos.2, 5 and 6 who are male members of the family other than the husband do not disclose any direct act individually attributable to these applicants constituting domestic violence, physical, emotional or economical abuse within the meaning of the DV Act. Only vague and general allegations have been made by the non-applicant against applicant nos.2,5 and 6 without specifying any details whatsoever. Therefore, the same will not be sufficient to prosecute applicant nos.2,5 and 6 under the DV Act.

12. No doubt, the DV Act, 2005 is a welfare legislation specially enacted to give justice to those women who suffer from domestic violence and for preventing acts of domestic violence. The court must be slow in quashing domestic violence proceedings and the power should be exercised with caution and circumspection when dealing with an application under Section 12(1) considering the object of the DV Act but the allegations against applicant nos.2, 5 and 6 are general, vague and omnibus in nature, not attributing any specific role to applicant No. 2, 5 and 6. Rather, the main grievance of the non-applicant is against the other applicants i.e. applicant Nos. 1, 3 and 4, who have not pressed their application. The allegations against the present

applicants remain broadly worded and largely collective in nature. The complaint does not disclose any allegation against applicant Nos. 2, 5 and 6, which would constitute domestic violence within the meaning of the DV Act. It appears that applicant Nos. 2, 5 and 6 have been implicated unnecessarily.

13. No doubt, the DV Act provides safeguards to the rights and dignity of the victim of domestic violence and it remains of paramount importance. Simultaneously, the courts are required to ensure that the proceedings should not be indiscriminately extended to every member of the family without a clear and factual foundation. There may be a situation where the applicant remains a passive spectator and fails to come to the aid of the victim. Such conduct though morally questionable cannot automatically be elevated to the status of criminal culpability, unless the surrounding circumstances clearly disclose their active complicity or participation in the alleged act. It must therefore be emphasized that each case arising out of a matrimonial discord or allegations of domestic violence must necessarily turn on its own peculiar facts and nature of allegations levelled against the applicants in domestic violence. The observations made herein should not be construed to mean that the relatives of the husband

cannot be prosecuted under the relevant provisions of the DV Act where the matrimonial record discloses specific overacts, active participation or direct involvement in perpetrating cruelty, harassment or domestic violence or any specific relief is sought against any specific relative. They would undoubtedly be liable to face prosecution in accordance with law. What is required to be carefully examined is whether the allegations are genuinely specific and supported by foundational facts or whether they are merely a consequence of matrimonial acrimony resulting in sweeping and omnibus implication of all family members.

14. It will be appropriate to refer to the decision of Supreme Court in the case of ***Shaurabh Kumar Tripathi Vs Vidhi Rawal***¹ wherein, in Para 32, it has been observed as under:

“32. The second part of Section 482 saves the inherent power of the High Court to prevent the abuse of the process of any Court or otherwise to secure the ends of justice. Therefore, in a given case where a learned Magistrate is dealing with an application under Section 12(1), the High Court can exercise the power under the second part of Section 482 to prevent abuse of the process of any Court or to secure the ends of justice. Hence, the High Court can exercise jurisdiction under Section 482 of the CrPC to quash proceedings of an application under Section 12(1) or orders passed in accordance with Sections 18 to 23 of the DV Act, 2005”

15. Thus, in the aforesaid case, the Supreme Court has observed that the High Court can exercise the powers under the second part of Section 482 to prevent abuse of the process of any Court or to secure the ends of justice.

16. In the peculiar facts of the present case, as stated above, there are no allegations against the male members of the family except the husband, neither any specific relief is sought against applicant Nos.2, 5 and 6. Therefore, permitting to continue the proceedings against present applicant Nos. 2, 5 and 6 in absence of any specific role assigned to them or any legally sustainable allegation would amount to an abuse of the process of law. The court is acutely conscious of the deeply troubling social reality that matrimonial homes in India continue to witness grave instances of cruelty and domestic violence. The legislative wisdom underlying the DV Act reflects the collective societal resolve to combat the scourge of mental and physical harassment visited upon a woman who starts a new life in a different environment within the matrimonial fold. Quashing of the proceedings against the present applicants herein is founded exclusively upon the absence of specific and distinct allegations disclosing their individual involvement at this stage.

17. The outcome of the above discussion is that the DV Act proceedings against applicant Nos.2, 5 and 6 are nothing but an abuse of the process of law. Therefore, they are required to be quashed and set aside. Hence, the following order is passed:

- i. The criminal application is partly allowed.
- ii. Criminal Application as regards applicant nos.1, 3 and 4 is rejected.
- iii. Criminal Miscellaneous Application No.10/2025 pending on the file of Judicial Magistrate First Class, Umred qua applicant nos.2, 5 and 6 is quashed and set aside.
- iv. The trial Court shall not be influenced by the observations made by this Court against applicant nos.1, 3 and 4 and decide the application on its own merits.
- v. The application stands disposed of.

(M.W. CHANDWANI J.)

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