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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5453 OF 2017

Aspy Eruch Engineer

..Petitioner.

V/s.

Veena Aspy Engineer & Anr.

..Respondents.

Mr.Milan Desai i/b. Mahesh Kotian & Associates for the petitioner.

Mrs.M.R.Tidke, APP for the respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : MARCH 20, 2018

PC.:-

The petitioner-husband is respondent in an complaint moved under section 12 of the Protection of Woman from Domestic Violence Act, 2005 ('the D.V. Act' for short) registered as C.C. No.80/DV/2016.

2. The relief claimed in the said proceedings is that of compensation, payment of maintenance charges, return of valuables, protection of custody of children, injunction from

dispossessing the flat which is occupied by the complainant, etc.

3. The quashing of the said proceedings is sought by the petitioner *inter alia* on the ground that marriage between the parties took place on January 29, 1994 and the parties having resided together for almost 20 years along with children. It is claimed that complaint under section 12 is based on certain suspicious attitude of the respondent-complainant alleging extra marital relations. The learned counsel for the petitioner would urge that considering their age and grown-up children of the parties to the complaint, it is really difficult to accept the story put forth by the complainant-respondent.

4. He would try to draw my attention by taking me through the contents of the complaint so as to hold that the complaint does not satisfy the requirement of the D.V. Act as defined under section 3 of the D.V. Act. He would try to urge that no mental, emotional, economic or physical violence could be noticed from the complaint of the complainant. He would urge that the proceedings by the complaint in question initiated against against him is required to be quashed and set aside.

5. In the backdrop of submissions made, I have perused the pleadings in the complaint, particularly having regard to the definition of domestic violence provided under section 3 of the D.V. Act. 'Domestic violence' term as defined in section 3 is not restricted only to the extent of physical violence but also includes mental, emotional abuse, economic abuse, harassment to the person aggrieved.

6. The pleadings from the complaint which is brought at page 20 in detail speaks of mental, emotional, economic and physical abuse. In detail, instances are narrated wherein the conduct of the petitioner is labelled as one amounting to domestic violence as could be seen from the provisions of section 3 of the D.V. Act.

7. Some of the paragraphs of the complaint which are worth referring to which speaks of domestic violence, are paragraphs 9, 10, 11, 18, 19 and 20, etc.

8. In the wake of above referred observations, having *prima facie* satisfied that the contents in the complaint discloses

domestic violence, in my opinion, no case for quashing is made out. The petition, under the extra-ordinary jurisdiction, does not warrant any interference and the same is dismissed.

(NITIN W.SAMBRE, J.)