

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

**WRIT PETITION NO. 3535 OF 2017**

Prabhakar Dudam & Ors. .... Petitioners

Vs.

Mrs. Pallavi Vijay Kumar Dudam .... Respondents  
& Ors.

Mr. Prashant C. Mohite for Petitioners  
Ms. Susan Abraham – appointed Advocate for Respondents  
Mr. S.S. Hulke, APP for the State

**Coram : NITIN W. SAMBRE, J.**

**Date : 22<sup>nd</sup> January, 2020**

P.C.:

1. Perused the complaint filed under the Domestic Violence Act against the petitioners and the other relatives by the respondent-wife. There are specific allegation against non applicant no.6 to the Domestic Violence Act proceedings, who is brother-in-law of non applicant no.1-husband Vijay Kumar.

2. As far as other non-applicants i.e. 3, 4 and 5 i.e. present petitioners nos. 1 to 3 are concerned, there is hardly any allegation, which prima facie would prompt this Court to infer that their prosecution under D.V. Act is sustainable.

3. A nature of allegations against the petitioner nos. 1 to 3, if are appreciated, the allegation made under the Domestic Violence Act are too vague to understand and answer. Merely because, there are certain allegations against the Petitioners in Domestic Violence Act proceedings that too vague in nature and without any evidence in support thereof, under the D.V. Act, cannot be made sustainable against such of the petitioners, who are non applicants to the D.V. Act proceedings. The allegation against the petitioner nos. 1 to 3 in the D.V. Act proceedings even if accepted to be true on its face value still necessary ingredients to satisfy the offence thereunder cannot be inferred.

4. In the aforesaid background, the order impugned dated 20<sup>th</sup> July, 2017 and the order passed by Metropolitan Magistrate dated 20<sup>th</sup> February, 2017 thereby rejecting application Exhibit 11 for dismissal of the proceedings under D.V. Act against the Petitioner is hereby quashed and set aside to the extent of the Petitioner Nos. 1, 2 and 3.

5. As there are specific allegation against petitioner no.4, the petition stands dismissed.

6. The petition as such partly allowed in above terms.

( NITIN W. SAMBRE, J. )