

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 1371 OF 2019

- 1) Santosh s/o Shankarrao Meshram,
Aged 60 years, Occupation - Nil,
- 2) Smt. Prabhabai w/o Santosh Meshram,
Aged 55 years,
- 3) Shri Sudhakar Rao s/o Santosh Meshram,
Aged 29 years, Nagpur.

All are resident of Ward No.1, Kadholi,
Moudha, District - Nagpur.

.... **APPLICANTS**

VERSUS

- 1) State of Maharashtra,
through its Protecting Officer
attached to the Police Station, Katol.
- 2) Sau. Sudha w/o Ratnakar Meshram,
Aged 26 years, Occupation - Private Job,
R/o C/o Shri Bimrao Gedam, Samata
Nagar, Pardi, Nagpur.

.... **NON-APPLICANTS**

Ms. A.A. Ghonge, Counsel for the applicants,
Mr. N.R. Rode, Addl.PP for non-applicant 1/State,
Ms. Jaya Mishra, Counsel appointed for non-applicant 2.

CORAM : ROHIT B. DEO, J.
DATED : 9th FEBRUARY, 2021

ORAL JUDGMENT :

Heard finally with the consent of the parties.

2. The applicants are seeking quashment of Miscellaneous Criminal Application 20/2019 instituted by non-applicant 2-Mrs. Sudha under the provisions of the Protection of Women from Domestic Violence Act, 2005 ("DV Act" for short).

3. The submission is that the application under Section 12 and cognate provisions of the DV Act does not contain any averment as would justify the initiation of proceedings against the applicants herein, who are the parents-in-law and brother-in-law of Mrs. Sudha. It is further submitted that there is misuse of law since the allegations are false.

4. I have perused the application under Section 12 and cognate provisions of the DV Act preferred by Mrs. Sudha. Mrs. Sudha does allege that she suffered the emotional and economic abuse at the hands of parents-in-law and brother-in-law. The falsity or otherwise of the averments is a matter of trial. Notably, it is not even averred in the reply that there was no domestic relationship or that Mrs. Sudha did not reside in a shared household with her parents-in-law and brother-in-law.

5. All that is required to be considered while taking cognizance is whether, accepting the averments in the application, a case is made out

to proceed against applicants. The submissions which are canvassed in support of the quashment prayer can undoubtedly be looked into by the trial Court, at the appropriate stage.

6. At this stage, it would be extremely premature for this Court to nip the litigation in the bud in exercise of inherent powers under Section 482 of the Code of Criminal Procedure. I am, therefore, not inclined to interfere.

7. However, it is made clear that if at a later stage, after there is some evidence on record, an application seeking identical relief is moved, the same shall be considered by the trial Court on its own merits uninfluenced by any observation in this order.

8. Subject to the observation/direction supra, the petition is dismissed.

9. The fees of the learned counsel appointed for non-applicant 2 be quantified as per rules.

JUDGE