

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

**CRIMINAL WRIT PETITION NO. 576 OF 2018**

**PETITIONERS:** 1] Dinkar Ramdas Kadam,  
Aged about 30 years, Occ. Service.

2] Ramdas Tukaram Kadam,  
Aged about 70 years, Occ. Agriculturist,

3] Sonabai Ramdas Kadam,  
Aged 60 years, Occ. Agriculturist,

4] Santosh Ramdas Kadam,  
Aged about 35 years, Occ. Agriculturist,

5] Kusum Santosh Kadam,  
aged about 30 years, Occ. Agriculturist,

6] Shankar Ramdas Kadam,  
aged 29 yeas, Occ. Agriculturist,

All R/o. Kuttardoh, Tah. Malegaon,  
District Washim

**...VERSUS...**

**RESPONDENTS:** 1] Sou. Alka Dinkar Kadam,  
Aged about 25 years, Occ. Household

2] Ku. Samruddhi Dinkar Kadam,  
aged 6 months (minor), through  
her mother i.e. applicant No.1,  
Both R/o. Kaswmar, Tah. Barshitakli,  
District Akola.

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Mr. S.D.Chande, Advocate for petitioners.  
Mr. V.B.Bhise, Advocate for respondents

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**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 24/02/2022.**

1] Heard Mr. Chande, learned counsel for the petitioners and Mr. Bhise, learned counsel for the respondents.

2] The petitioners are being prosecuted by the respondents under the provisions of Section 12 r/w Sections 17, 18, 19, 20 and 22 and 23 of the Protection of Women from Domestic Violence Act. The petitioner No. 1 is the husband, the petitioner Nos. 2 and 3 are the father and mother-in-law of Respondent No.1, Petitioner No. 4 is the brother-in-law of Respondent No.1, petitioner No. 5 is her sister-in-law and petitioner No.6 is also the brother-in-law of respondent No.1.

3] Mr. Chande, learned counsel for the petitioners submits that the allegations in the complaint as against the petitioner Nos. 2 to 6 are vague and non-specific. The petitioner Nos. 2 to 5 are separately residing in the same village at some distance and Petitioner No.6 is taking education at Akola. It is further contended that considering the general nature of allegations as made in the complaint, these petitioners need to be discharged.

4] The order dated 3.5.2018 passed by the learned JMFC rejecting the application below Exh. 6 filed by the Petitioner Nos. 2 to 6 is also challenged on the ground that it does not take into consideration the vagueness of the allegations against them. So also the order dated 3.5.2018 passed by the JMFC rejecting the application Exh. 9 as filed by the Petitioner No.1/husband is also challenged on the ground that on the date of the cause of action Petitioner No. 1 was not in the town, but was on his official duty at Mizoram, as he was employed by the CRPF as a soldier. It is also contended that though the marriage was performed on 19.4.2015, Respondent No.1/wife has been residing at her parental house since one month after the marriage, on which ground also the application is claimed to ought to have been allowed.

5] Mr. Bhise, learned counsel for respondents opposes the application and submits that though the Petitioner No. 1 is employed with CRPF and is directed to pay the maintenance in the DV Proceedings of Rs. 3000/- per month, the Petitioner No.1 is in arrears of Rs. 99,000/- as of date. It is also contended that in Section 9 HMP Act proceedings filed by Petitioner No. 1 also he is in arrears to the tune of Rs. 1,00,000/-, though the same subsequently

came to be withdrawn by him. He also submits that the complaint discloses sufficient material against all the petitioners and therefore the petition needs to be rejected.

6] A perusal of the complaint under the DV Act (Page 29 and onward) would indicate that there are no specific allegations against the Petitioner Nos.2 to 6. Generalized, vague, omnibus allegations have been made against the Petitioner Nos. 2 to 6. In my considered opinion, in order to constitute a cause of action against the Petitioner Nos. 2 to 6, it was necessary for the Respondent No.1 to have specified the role of each of the petitioner Nos. 2 to 6 in the nature of allegations made by her, which unfortunately is absent, considering the averments in the complaint.

7] The impugned order dated 3.5.2018 below Exh. 6 filed by the petitioner Nos. 2 to 6 does not consider the general and vague nature of the allegations made in the complaint, considering which the same cannot be sustained. The same is hereby quashed and set aside and the application at Exh. 6 filed by Petitioner Nos. 2 to 6 stands allowed. In so far as the order dated 3.5.2018 passed by the learned JMFC below Exh. 9 is concerned, since Petitioner No.1 is the

husband and the complaint discloses allegations against him, the order passed below Exh. 9 is sustained and the petition in so far as Petitioner No.1 is concerned stands dismissed. The petition therefore is partly allowed in the above terms.

8] In so far as the allegations regarding arrears of maintenance is concerned, in view of the fact that the Petitioner No.1 is an employee with the CRPF, he would be well advised to clear the arrears. Mr. Chande, learned counsel for petitioner No.1 submits that the petitioner No.1, is willing to make a payment of Rs. 1,05,000/- towards the arrears of maintenance and any further arrears shall be cleared within a period of three months from today. The statement is accepted. The Cheque No. 436332 date 24.2.2022 drawn on the State Bank of India, issued by Petitioner No.1 in favour of Respondent No. 1 is handed over to Mr. Bhise, learned counsel for Respondent No.1 for the purpose of forwarding the same to the Respondent No.1.

9] The Rule is discharged. No costs.