

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

CRIMINAL APPLICATION (APL) NO. 1313 OF 2021
Ujawal Vijay Pokale and anr verrus Vishakha Ujawal Pokale

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. N.B.Karade, Advocate for applicants.
Mr. S.P.Shriwas, Advocate for Respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 19/01/2022

1] Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard Mr. Karade, learned counsel for the applicants and Mr. Shirwas, learned counsel for the non-applicant.

3] The application seeks quashing of the complaint under Section 12 read with Sections 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, instituted against the present applicants.

4] Mr. Karade, learned counsel for the applicants submits that the allegations made in the petition as against the applicants are totally vague, not specific and therefore the

learned J.M.F.C ought not to have entertained the same. Reliance is placed upon **Prabhakar Mohite and anr vrs State of Maharashtra and anr; 2018 ALL MR (Cri.) 4508.**

5] Mr. Shriwas, learned counsel for Non-applicant submits that there are specific allegations in the petition against the applicant Nos. 2 and 3 – the father and mother in-law of the non-applicant, for which he invites my attention to paras 6, 10 and 14 of the complaint and submits that application ought not to be entertained against them.

6] In **Prabhakar Mohite** (supra), it has been held that in case the allegations are vague and general in nature, without specific role being attributable to the petitioners, the powers under Section 482 of Cr.PC could be invoked to prevent abuse of the process of the Court, relying upon **Kailash Chandra Agrawal vrs. State of U.P; 2014 ALL MR (Cri.) 4134 (S.C.)** and **K.Subb Rao and Ors Vrs. State of Telangana, 2018 ALL SCR (Cri) 1419.**

7] Perusal of the petition filed under the Domestic Violence Act indicates that there are specific averments against the applicant No. 3 in paras 6, 10 and 14 of having taken away all the Streedhan of Non-Applicant, torturing the Non-Applicant as well as a demand for Rs. 20 lakhs on account of dowry to the Non-Applicant, considering which in

so far as the applicant no. 3 is concerned, there being specific allegations, the matter needs to go to trial and the application in so far as it relates to applicant no. 3 is dismissed.

8] In so far as the applicant no. 2 is concerned, there is nothing spelt out in the petition under the Domestic Violence Act against him. There are no specific allegations/statements against the applicant no. 2, nor anything is attributed to him, which would indicate that he has merely been roped in and made a party to the proceedings, without there being any material against him, in view of which, I do not see any reason for the petition to continue against him, as nothing is spelt out.

9] The application, therefore, is partly allowed. The Domestic Violence Proceedings being Petition No. 1834/2021 as against the applicant no. 2 – Vijay Krushnaraoji Pokale is hereby quashed and set aside.

10] The application is partly allowed to the above extent. No costs.

JUDGE

Rvjalit

Digitally sign byRAJESH
VASANTRAO JALIT
Location:
Signing Date:19.01.2022 16:35