

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

CRIMINAL WRIT PETITION NO.450 OF 2023

GAURAV VITTHALRAO SONWANE AND OTHERS
VERSUS
MAYA @ MRUNALI GAURAV SONWANE

Mr. A. K. Tiwari, Advocate for the petitioners
Mr. D. D. Pande, Advocate for the respondent

CORAM : R. M. JOSHI, J.

DATE : 12th OCTOBER, 2023

P.C. :-

1. At the outset learned counsel for the petitioners, on instructions, makes statement that he does not wish to press any relief in respect of petitioner Nos. 1 and 2 who are husband and mother-in-law respectively of respondent herein. Petition is dismissed as withdrawn qua these petitioners.

2. Learned counsel for the petitioner Nos. 3 to 8 submits that in the complaint lodged under the provisions of Protection of Women From Domestic Violence Act, 2005 (for short '**D.V. Act**') before JMFC, Parola clearly indicates that these petitioners never shared domestic relationship with respondent. Thus, according to him, the proceedings under the D.V. Act is not tenable against them.

3. Learned counsel for the respondent has sought to oppose the petition, however, he was unable to deny the averments in the complaint which indicates that the respondent never shared domestic relationship with petitioner Nos. 3 to 8.

4. In order to enable a woman i.e. aggrieved person to file proceeding under D.V. Act, existence of 'domestic relationship' may be at any point of time, is sine qua non.

5. Provisions of the D.V. Act defines aggrieved person. Section 2(a) reads thus:

"aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent.

. It further defined domestic relationship under Section 2(f), which reads thus:

"domestic relationship" means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

6. It is thus, clear from aforesaid definitions, domestic relationship would mean a relationship wherein aggrieved person and Respondent are

related by consanguinity, marriage or through relationship in the nature of marriage, adoption or are family members living together as joint family. Admittedly, petitioner Nos. 3 to 8 are not related to respondent by consanguinity, marriage or relationship in nature of marriage or even by adoption. They are sought to be roped as respondent as the ground that they are family members. However, there is no averment in complaint that they are living together or at any time lived together. Thus the essential condition of living together at least at any point of time is not met with, in order to maintain any proceeding against them. This Court therefore finds merit in the petition. Continuation of proceeding in question against these petitioners would amount to abuse of process of Court. Hence, proceeding deserves to be quashed. Hence, the following order.

ORDER

- (i) Petition is partly allowed.
- (ii) P.W.D.V.A. No. 57/2022 stands quashed qua petitioner Nos. 3 to 8.

(R. M. JOSHI, J.)

ssp