

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

44 CRIMINAL APPLICATION NO.2393 OF 2022

**PUNAM W/O. MANOHAR PATIL AND ANOTHER
VERSUS
VANDANA W/O. NILESH PATIL AND OTHERS**

Mr.B.R. Waramaa, Advocate for the applicants.

Mr.P.R. Sandanshiy, Advocate for respondent Nos.1 to 3.

**CORAM : KISHORE C. SANT, J.
DATED : 08.02.2023**

PC :-

01. Heard learned Advocates for the parties. This petition is taken up for final disposal by consent of the parties.

02. The sister-in-law and her husband of respondent No.1 have filed this application challenging the order of issuance of process and consequently praying for quashing the proceedings filed by respondent No.1 under the provisions of the Protection of Women from Domestic Violence Act, pending in the Court of learned JMFC, Amalner.

03. The learned Advocate for the applicants submits that except in paragraph No.11 of the application under the DV Act, there is no specific

allegation against present applicants, who are respondent Nos.4 and 5 respectively in the proceedings bearing PWDAV No.30 of 2021. He further submits that in-fact, there was settlement between the husband and wife and even proceedings under section 13(b)(i) of the Hindu Marriage Act was filed. In view of the compromise entered into between the parties, there is also document executed by the parties, namely, Panch Farkat, wherein respondent No.2 has put her signature. The proceedings of the Hindu Marriage Petition is pending, no steps were taken and thereafter the application is filed. He submits that even looking at the allegations at it is, only role assigned to these applicants is that when they used to occasionally visit the house of respondent No.1, they used to instigate her husband to demand amount of Rs.2 lakhs. Further it is held that in presence of these applicants, the husband had beaten respondent No.1. The learned Advocate, therefore, submits that there is absolutely no case made out to proceed against the applicants under the DV Act.

04. The learned Advocate for the respondents vehemently opposed the application saying that there are specific allegations against both the applicants and more particularly against applicant No.1. He submits that even

proceedings for divorce were filed under pressure. She was forced to sign the documents. He further submits that by giving threat to the life of her son and daughter, the signatures were obtained. He opposed the application and prayed for rejection.

05. Considering the submissions and the application filed before the learned JMFC, it is seen that at the most the allegation is that occasionally these applicants used to visit the house of respondent No.1 and her husband and at that time the applicants used to instigate husband of respondent No.1 to demand Rs.2 lakhs. Further allegation is that she was beaten up by the husband in presence of these applicants. It is admitted position that both the applicants and the respondents are residing at different place. There is no common household. In view of above, this Court finds that no case is made out to proceed against the applicants in the proceedings under the DV Act. This Court is, therefore, inclined to allow this application. Hence, this application is allowed in terms of prayer clause (A).

[KISHORE C. SANT, J.]