

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

959 CRIMINAL WRIT PETITION NO.1462 OF 2022

**AMOL SANTOSH MORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioners : Mr.Sant Tapan Kishor
APP for Respondent No. 1- State : Mr.N.T.Bhagat
Advocate for Respondent No. 2-Informant : Mr.Wagh
Mukulanand R.

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**CORAM : R. G. AVACHAT, J.
DATE : 19.04.2023.**

PER COURT :

1. Heard.
2. The challenge in this Writ Petition is to the order of issuance of notice in the application preferred under Section 12 of the Protection of Women from Domestic Violence Act, (for short "Domestic Violence Act").
3. Heard the learned Advocates appearing for the parties. An application under Section 12 of the Domestic Violence Act has been moved against the husband, mother-in-law, brother-in-law and even the distant relations, namely two uncles and the aunt-in-law. It is very easy to make allegations

in the petition. Admittedly, the uncle-in-law and the aunt-in-law have never been resided in the shared house. This Court finds that to allow the application to proceed against them would be an abuse of process of Court. Hence the order of issuance of notice against them is hereby set aside.

4. So far as, the husband, mother-in-law and brother-in-law of the respondent are concerned, since the proceedings under Section 12 of the Domestic Violence Act is a semi civil in nature, their appearance before the Court of Judicial Magistrate, First Class is not mandatory, provided they would appear through their Advocate and co-operate for taking the application to a logical conclusion. Whenever their personal appearance is required, learned Judicial Magistrate, First Class may enforce the same. With these observations, the Writ Petition stands partly allowed in above terms.

(R. G. AVACHAT)
JUDGE

mahajansb/