

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 476 OF 2023

Mayank Vinod Pant & Ors.

..Applicants

Versus

The State of Maharashtra & Anr.

..Respondents

Ms. Shraddha Chavan for Applicant.

Mr. N. B. Patil, APP for State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.

DATE : 15 JUNE 2023

PC :

1. The Applicants have challenged the order passed below Exhibit-1 by the Metropolitan Magistrate, 46th Court, Sewree, Mumbai in Case No. 95/DV/2022. The order was dated 07/12/2022.

2. Heard Ms. Shraddha Chavan, learned counsel for the Applicant and Shri. N. B. Patil, learned APP for the State/Respondent No.1.

3. The complaint was filed by the Respondent No.2 herein against all the Applicants. The Applicant No.1 is the husband of

the Respondent No.2. The Applicant Nos.2 and 3 are his parents and the Applicant No.4 is his sister. The complaint was filed for protection under sections 12,17,18,19,20,22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'D.V.Act'). Learned Magistrate passed the impugned order on 07/12/2022 as follows:

“Issue Notice to Respondent through Protection Officer and call Report of DTR from Protection Officer.”

4. Learned counsel for the Applicants submitted that the complaint does not make out any of the ingredients as mentioned U/s.3 of the D.V.Act which defines the domestic violence. The Applicant No.4 is residing in Punjab and at present at Delhi. She never resided with the Respondent No.2 and the Applicant No.1. Even the Applicant Nos.2 and 3 are residing at Ahmedabad. They are senior citizens, therefore, allegations against them are false.

5. I have considered these submissions in the light of averments made in the complaint filed by the Respondent No.2. The complaint describes domestic relationship between the parties.

It also mentions as to how the Applicant Nos.2 and 3 used to visit the Respondent No.2 and the Applicant No.1. Various paragraphs in the complaint describe the instances falling within the definition of domestic violence. Whenever the Respondent No.2 used to visit Ahmedabad, which is the native place of the Applicant Nos.2 and 3, there used to be instances of hurling abuses etc. which are described in detail in sub paragraphs (a) to (k) of paragraph-3 of the complaint. On 29/03/2018, the Applicant No.3 had humiliated and abused the Respondent No.2. All the other Applicants including the Applicant No.4, who was present there, also cursed her and fought with her. On the next date on 31/05/2018 again similar instances were repeated and all the Applicants including the Applicant No.4 abused her in filthy language. In some instances the Applicant No.1 slapped her. In the year 2018, the Applicant Nos.2 and 3 started residing with the Applicant No.1 and the Respondent No.2. Even the Applicant No.4 used to visit their residence and interfere in the marital life of the Respondent No.2. There are allegations that the Applicant No.1 was having objectionable relations with a third person. There used to be daily

harassment and fight caused by the Applicant Nos.1, 2 and 3 causing mental trauma and stress to the Respondent No.2. Thus, the Respondent No.2 had suffered for about 5 years at the hands of the Applicants. Therefore, the complaint praying protection order was filed by her. All the necessary ingredients of the Domestic violence suffered by the present Respondent as defined under the said Act are made out. The Applicants are called by the learned Magistrate by issuing notice. Considering the complaint, at this stage, I do not see any reason to interfere with the impugned order.

6. The application is accordingly dismissed.

(SARANG V. KOTWAL, J.)