

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1922 OF 2022

Rajashree Arjun Patil .. Petitioner  
v/s.  
Lata Patilbuva Kanase And Ors. .. Respondents

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Mr. Vishwanath Patki, i/b. Ahya Kewal Bhartkumar for the Petitioner.

Mr. Deepak T. Raut, for Respondent No.1.

Mr. R.M. Pethe, APP, for State.

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CORAM: R.G. AVACHAT, J.

DATE : 6 FEBRUARY 2023.

P.C:-

This writ petition is preferred for quashing of proceedings in Criminal Miscellaneous Application No.331 of 2021 instituted for various reliefs under the Protection of Women from Domestic Violence Act, 2005 (D.V. Act).

2. The Petitioner is the wife of Respondent No.2. Respondent No.1 (original applicant) claims to have married Respondent No.2. Both Respondent Nos. 1 and 2 are practising Advocates. Respondent No.1/applicant was junior of Respondent

No.2. Emotional relation developed between the two. Both of them, therefore, started residing together in a flat belonging to Respondent No.3.

3. Respondent No.1/applicant filed the application under Section 12 of the D.V. Act for various reliefs. The present Petitioner is respondent no.2 therein.

4. On close reading of entire averments in the application under Section 12 of the D.V. Act and after having called upon learned Advocate for the Respondent/applicant to show in what way the present Petitioner had indulged in committing domestic violence, learned Advocate submitted that she used to instigate her husband to harass and ill-treat her.

5. It is not the case of the Respondent/original applicant that the Petitioner had ever stayed with her in a shared household. It is reiterated that the application (under Section 12 of the D.V. Act) is silent to attribute any overt act to the Petitioner herein. What is wrong on her part, is that she was the legally wedded wife of Respondent No.2.

6. For want of specific averments against the Petitioner herein, continuation of the proceedings under D.V. Act as against the

Petitioner herein, would be an abuse of process of court. This Court is, therefore, inclined to allow this petition.

7. The petition is, therefore, allowed in terms of prayer clause (b).

**(R.G. AVACHAT, J.)**