



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

974 CRIMINAL WRIT PETITION NO. 854 OF 2023

HARSHAD CHANDRAKANT BAGUL AND OTHERS

VERSUS

NITA W/O. HARSHAD BAGUL

...
Advocate for the Petitioner : Mr. Wagh Mukulanand R.

Advocate for Respondent : Mr. Raje Vikrant P.

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 23rd FEBRUARY, 2024.

PER COURT :-

1. The petitioners have prayed following relief :-

“B. That this Hon’ble Court be pleased to issued writ of certiorari or any other appropriate writ, order or direction in the nature or writ to quash and set aside Cri.M.A. No.463/2021 dated 7.9.2021 filed under section 12, 18, 19, 20, 22 of Domestic Violence Act 2005 before Ld. Judicial Magistrate First Class Shirpur.”

2. The petitioners have contended that petitioner no.1 is husband, petitioner no.2 is mother-in-law, petitioner no.3 is brother-in-law and petitioner no.4 is sister-in-law. Petitioner nos.2 to 4 are residing separately, however, they are prosecuted as per provisions of sections 12, 18, 19, 20, 22 of the D.V. Act.

3. The learned advocate for the petitioners pointed out that all the reliefs are only maintainable against petitioner no.1, however, the rest of the petitioners are not liable and they have not committed any overt act to establish alleged domestic violence. He, therefore, prayed to quash the proceedings against them.

4. The learned advocate for the respondent strongly objected the petition and submitted that there is a specific pleading pointing out the roles of these petitioners that they had caused domestic violence to the respondent.

5. Perused the application bearing Criminal M.A. No.463/2021. The petitioner nos.2 to 4's specific role is not spelled out in the complaint that they had caused domestic violence to respondent. Admittedly, they were not residing with petitioner no.1 and respondent. Considering all these aspects and fact that there is no domestic violence on the part of these petitioner nos.2 to 4, the petition deserves to be partly allowed. Writ Petition is thus partly allowed in respect of petitioner nos.2 to 4 in terms of prayer clause "B". The petition is dismissed in respect of petitioner no.1.

(SANJAY A. DESHMUKH, J.)