



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

CRIMINAL APPLICATION NO. 126 OF 2025

Rajesh Bhagwat Kute

.. Applicant

Versus

Priyanka Krushna Kute

.. Respondent

Mr. Shubham S. Pawar, Advocate h/f Mr. Rahul R. Karpe, Advocate
for the Applicant.

Mr. S. P. Sonwane, Advocate for sole Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 31st JULY, 2025.

PER COURT :-

. Heard learned advocates for the parties.

2. This application is filed seeking quashment of the proceedings filed by the respondent bearing P.W.D.V. No. 3/2021 in the Court of learned C.J.M., Osmanabad under Section 12 of the Protection of Women from Domestic Violence Act (For short "D.V. Act"). The present applicant is brother in law of the respondent. The respondent filed complaint under Section 12 of the D.V. Act in the Court of learned C.J.M., Osmanabad. The same came to be registered. The notices came to be issued. In the

complaint, the present applicant is shown to be respondent No. 3. The only allegation appearing against the present applicant is that, the applicant contacted the respondent on mobile phone and threatened that he will do away with the respondent.

3. The learned advocate for the applicant submits that, there is no any allegation specifically made against the present applicant. The only allegation is that he contacted respondent on mobile phone from Mumbai and threatened that he will kill her. No specific date and time is given. The allegation is vague. His further submission on merits is that the present applicant is not residing in the family of his brother. Thus, there is no shared household with the respondent. On that count, he does not fall under the definition of person in domestic relationship. In the application itself it is stated that, the present applicant resides at Mumbai whereas, the respondent and her husband are residing in District Osmanabad. He thus submits that the proceeding to the extent of present applicant would be an abuse of process of law and prays for allowing the application.

4. The learned advocate for the respondent vehemently

opposes the application. He submits that, there are sufficient averments showing that the applicant gave threat to the respondent. The relationship is not disputed. The applicant is real brother of husband of respondent. The husband of the respondent harassed the wife because of the present applicant. He thus submits that the application deserves to be dismissed.

5. After having heard the parties, this Court has seen the complaint. Except allegation in paragraph No. 8 of the complaint, there is no allegation against the present applicant. The said allegation even taken as it is no case is made out.

6. Considering the above, this Court finds that, continuation of the proceeding against the present applicant would certainly be an abuse of process of law. The proceeding, therefore, deserves to be quashed and set aside.

7. In view of the above discussion, criminal application stands allowed in terms of prayer clause (B).

8. Criminal Application stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.