



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

2 CRIMINAL APPLICATION NO. 168 OF 2025

1. Sunil Krishna Ahire (Deceased),
Age-50 years, Occu- Service,
R/o. B-1/6, First Floor, Best Stop Colony,
Amrutnagar, Ghatkopar (W), Mumbai
[Deleted as per order dated 27-02-2025]
2. Salil Krishna Ahire,
Age-47 years, Occu- Income Tax Officer,
3. Smt. Chabubai Krishna Ahire,
Age-74 years, Occu-Nil,
Both Residing at 206/3007/G8B
Opp. To Post Office, V
[Deleted as per order dated 06-08-2025] ...APPLICANTS

VERSUS

1. The State of Maharashtra
2. Durgadevi @ Snehal Sunil Ahire,
Age-45 years, Occu-Household,
R/o. Padegaon, Ganesh Nagar,
Aurangabad
3. Arhat Sunil Ahire,
Age-15 years, Occu-Student,
R/o. Padegaon, Ganesh Nagar,
Aurangabad
[through respondent No. 2 mother] ...RESPONDENTS

Mrs. Poonam V. Bodkhe Patil, Advocate for the applicants
Mr. K. J. Suryawanshi, Advocate, the respondent No.2
Mr. S. S. Dande, APP for the respondents/State

CORAM : ABHAY J. MANTRI, J.

DATE : 22nd DECEMBER, 2025

ORAL JUDGMENT :

1. Leave is granted to correct the mistake while implementing the order dated 06-08-2025 to delete the name of applicant No. 3 instead of respondent No. 3.
2. Heard. Rule. **Rule** is made returnable forthwith and heard finally, with the consent of the parties, at the admission stage.
3. By this application, the applicants have invoked the inherent jurisdiction of this court to quash the proceeding of PWDVA No. 457/2024 filed against them before the learned Judicial Magistrate First Class, Aurangabad (for short, the “***learned Magistrate***”).
4. The learned Advocate for the applicants vehemently contended that the applicant is the brother-in-law and never lived in the shared household. Therefore, the question of invoking the provision of the Protection of Women from Domestic Violence Act (for short, ‘***the Act***’) does not arise at all. Therefore, on the ground alone, the application is liable to be quashed and set aside. She further submitted that the complaint filed under Section 498-A involving the applicant No. 2, Salil, and Chabubai, i.e., the deceased. The proceedings against the applicant No. 3-Chabubai have already been abated by an order dated 10-09-2025 passed by this court in Criminal Application No. 3185/2024. She also pointed out the

observations made in para 10 of the said judgment and contended that those observations themselves indicate that the applicant No. 2 and respondent No. 2 were residing separately before 9 years of lodging of the complaint, i.e., on 03-07-2024. Therefore, she urged that the said proceedings be quashed.

5. It further appears that during the pendency of the application, the applicants' No. 1 and No. 3 expired and therefore, their names have been deleted from the application.

6. Having heard the learned Advocate for the applicants and perusal of the proceeding and the application before the learned Magistrate at the outset it appears that the allegations against the applicant No.2 are vague and omnibus and therefore, in absence of any specific role attributed to him, it would be unjust, if the applicant No.2 is forced to go through the tribulations of a trial based on general and omnibus allegations. Similarly, nowadays, there is a tendency to implead the relatives of the husband and compel them to undergo trial. Therefore, it would also not be appropriate to force him to undergo the trial based on vague and omnibus allegations.

7. Apart from that, no specific role or allegations are levelled against him. No particular incident of domestic violence has been mentioned. A mere omnibus statement has been made in the application. It seems that the respondent unnecessarily impleaded the

applicants in the said proceeding and thereby abused the process of law. Based on the same, it would not be appropriate to permit the respondent to proceed against them.

8. Thus, I found substance in the contention of the learned Advocate for the applicants that no case is made out against the applicant No.2 to invoke the provision of the D. V. Act.

9. As a result, the application is allowed with costs of Rs. 10,000/-.

10. The proceeding bearing PWDVA No. 457/2024 pending before the learned Magistrate, Aurangabad, against the applicant No.2, is hereby quashed and set aside.

11. The respondent No. 2 is directed to deposit the cost of Rs. 10,000/- with the Legal Services Authority, Aurangabad, within a period of eight weeks from today.

12. Rule is made partly absolute accordingly.

13. Inform the learned Magistrate accordingly.

[ABHAY J. MANTRI, J.]