



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 131 OF 2024

- 1] Sharad Bansi Ranyevale, (Husband)
Age: 45 years, Occu: Labour,
R/o. Bhivgaon, Tq. Vaijapur,
Dist. Chh. Sambhajnagar.
- 2] Sonyabai Bansi Ranyevale, (Mother-in-law)
Age: 71 years, Occu: Household,
R/o. Bhivgaon, Tq. Vaijapur,
Dist. Chh. Sambhajnagar.
- 3] Sanjay Bansi Ranyevale (Brother-in-law)
Age: 51 years, Occu: Service,
R/o. Sahara Town, Nandurbar,
Tq. & Dist. Nandurbar.
- 4] Vandana Valmika Gaikwad (Sister-in-law)
Age: 49 years, Occu: Household,
R/o. RB-3,306/B, Railway Traction
Colony, Eklahare Road, Nashik,
Nashik Road, Nashik.
- 5] Shailesh Bansi Ranyevale (Brother-in-law)
Age: 44 years, Occu: Labour,
R/o. Krushna Patil Chawl, Ghodbunder
Road, Near Mahatma Phule Chowk,
Ganesh Nagar, Chitalsar, Manpada,
Thane (W), Tq. & Dist. Thane.

...PETITIONERS
(Orig. Accused)

VERSUS

- 1] Rekha Sharad Ranyevale,
Age: 42 years, Occu: Household,
C/o. Dagdu Annaji Gaikwad,
R/o. Behind Buddha Vihar, Near
Balkeshwar Temple, Nutan Vaahat,
Old Jalna, Tq. & dist. Jalna.

...RESPONDENTS
(Orig. applicant)

Mr. Sachin P. Sonwane, Advocate for the Petitioners.

Mr. R. P. Kahale h/f Mr. R. P. Savale, Advocate for sole Respondent.

CORAM : KISHORE C. SANT, J.
RESERVED ON : 14th AUGUST 2025.
PRONOUNCED ON : 8th SEPTEMBER 2025.

PC :-

1. Heard Mr. Sonwane, the learned Advocate for the petitioners and Mr. Kahale, the learned Advocate for the respondent. This petition is heard for final disposal at the stage of admission with the consent of the parties.

2. This petition is filed praying for quashing the proceedings of PWDV Application No. 68 of 2021, pending in the Court of learned Chief Judicial Magistrate, Jalna. The petitioners before this Court are the husband, mother-in-law, brothers-in-law and sister-in-law of respondent

No. 2, complainant in the proceedings.

3. Petitioner No. 1 is the husband, Petitioner No. 2 is mother-in-law, Petitioner No.3 and 5 are the brothers-in-law, Petitioner No.4 is the sister-in-law.

4. The brief facts giving rise to the present writ petition are that the petitioner No.1 and respondent got married on 28th March 2004, at Jalna. They cohabited well together for about two months. Thereafter, the respondent went to her parent's house at Jalna. She also insisted the petitioner No.1 to join her at Jalna. For some time, the couple resided at Jalna. However, the respondent and her brothers then started harassing the petitioner No.1. It is also a case that because of that, there were strained relations. However, thereafter the wife left the company of the petitioner No.1.

5. Since, the petitioner No.1 had a desire to reside together, he filed Hindu Marriage Petition bearing No.161 of 2020 praying for restitution of conjugal rights against the respondent in the Court of learned Jt. Civil

Judge Senior Division, Vaijapur. It is the case that the respondent even did not bother to appear in the said proceedings. The said proceedings came to be allowed by *ex-parte* judgment dated 4th July 2023. In spite of this judgment, the respondent did not come for cohabitation and instead she filed a complaint with 'Bharosa Cell', Kadim Jalna Police Station on 16th October 2020, alleging that petitioner No.1 is addicted to alcohol. There is a demand of amount from in-laws and on that, there is constant harassment by the husband. He also abuses and beats her. On this, an application was filed. It is not clear as to what happened to these complaints thereafter. Subsequently, one more complaint came to be filed with the Protection Officer on 16th September 2021 levelling allegations against the petitioner No.1. It is alleged in the said complaint that other petitioners instigate the husband. Ultimately, she filed a petition under Domestic Violence Act, which is now numbered as 68 of 2021 pending in the Court of learned Chief Judicial Magistrate, Jalna.

6. In the meantime, there was also an FIR filed by the respondent on 31st August 2021 in Kadim Jalna Police Station for the offences

punishable under Sections 498-A and 504 r/w 34 of the Indian Penal Code, 1860, wherein the husband, mother-in-law and brothers-in-law are only shown as accused persons. The said FIR came to be quashed by the division bench of this Court in Criminal Application No. 119 of 2022. The Division Bench, except petitioner No.1, quashed the proceedings against present petitioner Nos. 2, 3 and 5, holding that no case is made out against them. It is on this background, now the petitioners have come to this Court praying for quashing of the domestic violence proceedings.

7. Mr. Sonwane, the learned Advocate for the petitioners, vehemently argued that, looking to the complaint under the Domestic Violence Act as it is, no sufficient allegations are made out showing any instance of domestic violence. It is filed only to bring pressure upon the petitioners and for getting monetary benefits. Petitioner Nos. 2 to 5 are residing separately. There are no averments that they are sharing the household. They do not fall in the definition of persons having domestic relationship. He thus submits that continuation of the proceedings

would be clearly an abuse of process of law. He thus prays for allowing the writ petition. In support of his submissions, the learned Advocate for the petitioners relied upon the judgment in the case of ***Dhananjay Mohan Zombade Vs. Prachi***¹.

8. Mr. Kahale, the learned Advocate for the Respondent, vehemently opposed the petition. He submits that the allegations are clearly spelled out showing that the case is falling under the provisions of Domestic Violence Act. There are clear allegations showing that the husband is in habit of drinks. Though he is working as a labour, he still asks for amount from the wife for his vices. There is also a demand of dowry from the parents of the respondent. He submits that the allegation against other petitioners is that they are instigating the husband in doing the acts of domestic violence, and therefore, all the petitioners are liable for action. The complaint clearly spells out role of each of the petitioners. He thus prays for rejection of the petition.

9. This Court has gone through the contents of the Domestic Violence

1 2023 SCC OnLine Bom 1607

Act application. It is seen that the allegations are only against the husband. So far as allegations against remaining petitioners are concerned, it is only that they support the husband and except that there is no any other allegations. It is not clear as to in what manner they support the petitioners No.1. The allegation shows that the husband has abused her in filthy language in presence of husband of the sister-in-law. Except that, there is no allegation. The other allegation shows that he is insisting the wife to bring money for buying a motorcycle. However, this allegation is only against petitioner No.1. Even the complaints made before the Protection Officer and the Bharosa Cell, Kadim Jalna Police Station, show that the allegations are only against petitioner No.1 husband. This Court while quashing the complaint under Section 498-A has observed that no material allegations are found against other petitioners. The said order is not challenged by the respondent-wife.

10. In the case of *Dhananjay Zombade* (supra), this Court while quashing the proceedings has observed that the proceedings of Domestic Violence Act are filed at even distant place, i.e. place where aggrieved

person resides as per Section 2(s) of the Act and not only husband and joint family members residing under one roof are made respondents but the distant relatives those who have no domestic relationship are also roped in order to cause harassment and to build pressure on husband. This Court finds that the said observation is perfectly applicable in the present case. This Court is therefore inclined to quash the proceedings even on this ground.

11. This Court on going through the complaint finds that there are no sufficient allegations against the petitioner Nos. 2 to 5. Continuation of the proceedings against these petitioners would certainly be an abuse of process of law. In view of these discussions, following order:

ORDER

- (i) Criminal Writ Petition is partly allowed.
- (ii) The proceeding of PWDV Application No.68 of 2021 pending in the Court of learned Chief Judicial Magistrate Jalna, hereby stands quashed and set aside to the extent of petitioner Nos. 2 to 5.
- (iii) The criminal writ petition stands rejected as against petitioner

No.1.

(iv) Considering that the PWDVA proceeding is pending since 2021, the learned trial Judge is requested to dispose of the same as early as possible and preferably within one year from today.

(v) With this, Criminal Writ Petition stands disposed off.

[KISHORE C. SANT, J.]