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47-WP-249-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 CRIMINAL WRIT PETITION NO. 249 OF 2024

Ananta Himmatrao Shinde And Others

VERSUS

Shila W/o Ananta Shinde And Others

...

Ms. Sunita R. Shinde, Advocate for the Petitioners.

Ms. Anita A. Gadekar, Advocate for Respondent Nos.1 to 3.

CORAM : KISHORE C. SANT, J.

DATE : 16th JULY 2025

PC :-

1. Heard Ms. Shinde, the learned Advocate for the petitioners and Ms. Gadekar, the learned Advocate for Respondent Nos.1 to 3. The Petition is taken up for final disposal with the consent of the parties.
2. The present petitioners have approached this Court seeking quashment of the proceedings pending before the learned JMFC, Gevrai, Dist. Beed, bearing Criminal Misc. Application No.129/2023, filed under the provisions of Domestic Violence Act by the Respondent.
3. The petitioner No.1 is the husband of Respondent No.1 (to his

extent, the petition is withdrawn). Petitioner No.2 is the father-in-law, petitioner No.3 is the mother-in-law and petitioners No.4 and 5 are the sisters-in-law of Respondent No.1.

4. The proceeding is filed making allegation that the husband of the informant assaulted her in drunken condition. She also prayed for relief not to alienate the land of the family. Prohibitory orders not to assault or ill-treat the informant, and for police protection. It is alleged that the husband ill-treats her at the instigation of other family members. Against the sisters-in-law, the allegation is that whenever they used to come to their parental home, they used to ill-treat her. However, no specific instances are quoted, except that there was demand of amount. Vague allegations are made such as not being provided food, being confined to a room, etc.

5. On going through the petition, it is seen that no specific allegation or details are provided. It is not stated that they are staying with the respondent. It is now well-settled that for any relief under the Domestic Violence Act, there has to be an act of domestic violence. In absence of

instances of domestic violence, no relief can be prayed. In the present case, going through the complaint as it is, no specific instances are found.

6. Considering all above, this Court is convinced that continuation of proceedings against the present petitioner Nos. 2 to 5 would be clearly an abuse of process of law.

7. In view of above, writ petition stands allowed to the extent of present petitioner Nos. 2 to 5 in terms of prayer clause (B).

8. With this, writ petition stands disposed off.

[KISHORE C. SANT, J.]