



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 429 OF 2024

KESHARBAI RAMDAS JAGTAP AND OTHERS
VERSUS
JAYSHREE DINESH JAGTAP AND ANOTHER

Advocate for the Petitioners : Mr. Mohit S. Shah
Advocate for Respondent No. 1 : Ms. Monica Bagwe (Appointed)

CORAM : SACHIN S. DESHMUKH, J.

Date : 12th November, 2025

ORDER :-

1. The applicants have approached this Court seeking quashing of the complaint bearing Cri. M. A. No. 410 of 2020 presented by the respondents under Section 12 with reliefs claimed under Sections 18, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter "Domestic Violence Act" for short), the complaint is pending before the learned Judicial Magistrate First Class, Sakri.

2. The assertion raised in the complaint that the marriage between complainant and son of applicant No.1 was solemnized on 19.04.2016 as per the customary rites and traditions. The further assertion is that all the applicants have been involved in acts of domestic violence. Consequently, the husband raised dispute on

account of trivial issues and eventually abandoned interaction with the complainant and started consciously ignoring the minor daughters. Applicants started demand of Rs. 10,00,000/- for purchasing the flat and thereafter, the complainant was driven out of the matrimonial house alongwith the minor daughter. Therefore, the proceedings were initiated seeking protection under Section 18 of the Domestic Violence Act. The protection under Sections 20 and 22 of Domestic Violence Act were also pressed against in-laws. Raising an exception to the complaint, present proceeding has been filed under Section 482 of the CrPC.

3. The learned counsel for applicants, on instructions, seeks withdrawal of the application to the extent of applicants No. 1 and 2. Accordingly, the applications stands dismissed as against applicants No. 1 and 2 as withdrawn.

4. Learned counsel for the applicants also submits that the allegations made in the complaint against rest of the applicants are sweeping in nature. In the light of the sweeping allegations without attributing any specific role and only in order to implicate these applicants in a false and frivolous proceedings, the complaint is filed. Therefore, prayed to quash the complaint against the applicants.

5. Per contra, learned counsel for original complainant submits that applicants have committed the acts of domestic violence. Applicants have ill-treated the complainant and subjected to harassment. Therefore, prayed to dismiss the application.

6. Having heard the learned counsel for litigating sides and perused the material on record, the fact remains that except the sweeping and omnibus allegations in the present complaint, no specific role is attributed as against the applicants No. 3 to 6. The tendency is gaining ground in matrimonial disputes to implicate the distant relatives so as to subject unnecessary hardship vis-a-vis trials and tribulations of frivolous prosecutions, which is nothing but sheer abuse of process of law.

7. The initiation of criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) constituted the offences punishable under the relevant provisions are alleged or attributed to the accused persons. With same vigour, criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the cord of love, affection, cordiality and mutual trust. Institution of family constitutes the

core of human society. Domestic relationships are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment and emotional investment compared to other social or professional associations.

8. Thus, preservation of family relationship has always been emphasised in our society. As such, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, Court should be circumspect and judicious, and should allow invocation of criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences alleged.

9. The matrimonial relations which are founded on the basis of cordiality and trust, turn sour to an extent to make a partner hurl allegations of domestic violence and harassment against the other partner, would normally not happen at the spur of the moment and such acrimonious relationship would develop only in course of time. Accordingly, such a situation would be the culmination of a series of acts which turns, otherwise an amicable relationship, into a fractured one. In such cases involving allegations of domestic violence or harassment, there would

normally be a series of offending acts, which would be required to be spelt out by the complainant against the perpetrators in specific terms to rope such perpetrators in the criminal proceedings sought to be initiated. Thus, mere general allegations of harassment without pointing out the specific role against such perpetrators would not suffice, so as to initiate the proceedings and undergo the trial and tribulations of such false case.

10. Resultantly, I am of the considered view that the cases relating to domestic violence, the complaint and the allegations therein must be specific as against each and every member of the family having accusation of such offences and are sought to be prosecuted. Thus, in absence of specific allegations, the continuance of proceedings against the applicants No. 3 to 6 by discriminately dragging these applicants would amount to sheer abuse of process of law.

11. Thus, mere general allegations of harassment, without attributing the specific role against the applicants would not suffice to initiate the proceedings and subject them to the trial and tribulations of a false case. In order to achieve the ends of justice, the impugned complaint presented under the Domestic Violence Act deserves to be quashed and set aside to the extent of the applicants No. 3 to 6 only.

12. Accordingly, the application is **allowed** in terms of prayer Clause (D) to the extent of applicants No. 3 to 6 only.

13. The impugned complaint i.e. Criminal Misc. Application No. 410 of 2020, pending before the Judicial Magistrate First Class, Sakri, is hereby quashed and set aside to the extent of the applicants No. 3 to 6 only.

14. The High Court Legal Services Sub-Committee, Aurangabad to pay fees to the learned counsel Ms. Monica Bagwe appointed to represent respondent No. 1, quantified at Rs. 7,500/- (Rs. Seven Thousand Five Hundred Only), within a period of three weeks.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi