



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 307 OF 2025

1. Dnyaneshwar Shesherao Himpale Patil
Age- 61 years, Occu.: Agri.
R/o: LIC Colony, Rudreshwar Nagar, Latur.
2. Sau. Geetadevi Dnyaneshwar Himpale Patil
Age-57 years, Occu.: Agri.
R/o: LIC Colony, Rudreshwar Nagar, Latur.
3. Sau. Margeshwari Rajkumar Suryawanshi
Age- 34 years, Occu.: Housewife
R/o: Dhaonori, Tq. Lohara Dist. Dharashiv. ..PETITIONERS

VERSUS

1. Sau. Reshma Gururaj Himpale Patil
Age- 34 years, Occu.: Private Job
R/o: LIC Colony Vidya Nagar Latur.
2. Swaraj Gururaj Himpale Patil
Age- 3 years, Occu.: Nil.
R/o: LIC Colony Vidya Nagar Latur.
(Resp.No. 2 is under the Guardian of Resp.No. 1) ..RESPONDENTS

....
Mr. G.T. Kharate, Advocate for petitioners
Mr. D.P. Munde, Advocate for respondents
....

CORAM : ABHAY J. MANTRI, J.
DATE : 03rd NOVEMBER, 2025

ORAL JUDGMENT :

1. **Rule.** Rule is made returnable forthwith. Heard learned counsel for both parties. Perused the petition and record as well.

2. By this petition the petitioner has invoked the inherent jurisdiction of this court under Section 482 of Code of Criminal Procedure (hereinafter referred to as "~~Cr. P. C.~~") for quashing the proceeding bearing PWDVA Application No. 204 of 2023 initiated against them under Sections 12, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act (hereinafter referred to as the "**D.V Act**") pending before the C.J.M., Latur.

3. It is pertinent to note that during the argument, the learned counsel for the petitioners submitted that Petitioner Nos. 1 and 2 do not want to proceed with the petition. As such, he seeks leave to withdraw the petition on their behalf, for which learned counsel for the respondents has given no objection.

4. His statement is accepted. In view of the same, leave is granted. The petition stands dismissed as withdrawn against Petitioner Nos. 1 and 2.

5. Learned counsel for the petitioners further submitted that Petitioner No.3 is a married sister-in-law of Respondent No.1 and resides at her matrimonial home. Additionally, she had not been living in the shared household of Respondent No. 1 since her marriage, and therefore, the provisions of the D.V. Act are not applicable against her. He also pointed out the address of Petitioner No. 3 in the complaint (Page No. 13) and submitted that in the complaint, her address is mentioned as Dhanori, Tq. Lohara Dist. Dharashiv. He further canvassed that there are no specific allegations against

Petitioner No.3 about causing domestic violence against the respondent No.1. Therefore, he urged that the proceeding against her be quashed.

6. *Per contra*, learned counsel for the respondents submitted that the allegations against all the petitioners are the same. Therefore, Petitioner No.3 is not entitled to the quashing of the proceeding. He pointed out paragraph no.3 of the complaint and urged dismissal of the petition.

7. On perusal of the complaint, prima facie it does not appear that Petitioner No.3 is residing with Petitioner Nos. 1 and 2 and Respondent No.1 and her husband Gururaj at Latur in a shared household. It appears that Petitioner No. 3 is residing at Dhanori, Tq. Lohara, Dist. Dharashiv. Similarly, in the application, Respondent No. 1 has nowhere averred that Petitioner No. 3 was living with her at the shared household. Therefore, nothing appears from the complaint that Petitioner No. 3 was residing with Gururaj, Petitioner Nos. 1 and 2 and Respondent No. 1.

8. Moreover, no specific allegation appears against Petitioner No.3 in the complaint. But the allegations made against her in paragraph no.3 of the complaint are vague. It is pertinent to note that, as per Section 12 of the D.V. Act, Respondent No.1, i.e. the original Applicant, has to show that Petitioner No.3 has been in a domestic relationship with her and subjected her to any act of domestic violence. However, prima facie, no averment reveals against Petitioner No.3 that she was residing with Respondent No.1 in a shared household and subjected to domestic violence. In the absence of specific

pleading, in my view, the complaint filed by Respondent No.1 against Petitioner No.3 is liable to be quashed by invoking the inherent jurisdiction of this court under Section 482 of Cr. P. C. Therefore, I do not find substance in the contention of learned counsel for the respondents in that regard.

9. Consequently, the application is partly allowed to the extent of petitioner No. 3. Accordingly, the proceeding bearing PWDVA Application No. 204 of 2023 initiated under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act pending before the C.J.M., Latur, is hereby quashed and set aside against Petition No.3 only. Needless to mention, the petition is dismissed as withdrawn against Petitioner Nos. 1 and 2. Inform the learned C.J.M., Latur, accordingly. Rule is made partly absolute.

(ABHAY J. MANTRI, J.)

SSD