



[This order is corrected pursuant to the speaking to minutes order dated 08.09.2025]

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

CRIMINAL APPLICATION NO. 941 OF 2025

1. Nilesh s/o Suresh Borde, (Husband)
Age : 31 years, Occu. : Service,
R/o. : Dattanagar. Sidharth Colony,
Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar.
2. Shila Suresh Borde, (Mother-in-law)
Age : 71 years, Occu. : Housewife,
R/o. : Dattanagar. Sidharth Colony,
Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar.
3. Arun s/o Laxman Borde, (Uncle of Husband)
Age : 53 years, Occu. : Service,
R/o. : Jail Quarters, Room No. 261,
Jail Road, near Gotha Line, Yerwada,
Pune, Dist. Pune.
4. Sunita w/o Arun Borde, (Aunt of Husband)
Age : 44 years, Occu. : Housewife,
R/o. : Jail Quarters, Room No. 261,
Jail Road, near Gotha Line, Yerwada,
Pune, Dist. Pune.
5. Sunita w/o Sampat Kahirnar, (Sister-in-law)
Age : 41 years, Occu. : Service,
R/o. : Jukule Jalgaon Nwur, Nasik,
at present Santoshi Mata Nagar,
Near Sisodiya Building, Oimpalgaon Baswant,
Nasik, Dist. Nasik.
6. Sampat s/o Rambhau Khairnar, (Husband of Sister-in-law)
Age : 47 years, Occu. : Service,
R/o. : Jukule Jalgaon Nwur, Nasik,

at present Santoshi Mata Nagar,
Near Sisodiya Building, Oimpalgaon Baswant,
Nasik, Dist. Nasik.

7. Savita w/o Gulab Kharat, (Sister-in-law)
Age : 40 years, Occu. : Housewife,
R/o. : 424A, Annabhau Sathe Nagar,
Kotul, Tq. Akole, Dist. Ahmednagar.
8. Yohita w/o Vivek Shelar, (Sister-in-law)
Age : 36 years, Occu. : Service,
R/o. : Primary Health Sub-Center Headquarter,
Ranjankhol, Tq. Rahata, Dist. Ahmednagar.
9. Shital w/o Laxman Adhagale, (Sister-in-law)
Age : 34 years, Occu. : Housewife,
R/o. : Ambethan, Khongade wasti,
Chakan MIDC, Near Balaji Park, Ambethan,
Dist. Pune.
10. Laxman s/o Shridhar Adhagale, (Husband of Sister-in-law)
Age : 39 years, Occu. : Pvt. Service,
R/o. : Ambethan, Khongade wasti,
Chakan MIDC, Near Balaji Park, Ambethan,
Dist. Pune.
11. Madhuri w/o Amar Salve, (Sister-in-law)
Age : 33 years, Occu. : Housewife,
R/o. : House No. 12A, Ganesh Nagar,
Nagardevale, Bhingar, Ahmednagar,
At present Bhimakoregaon,
Dist. Pune.

.. Applicants

Versus

1. Priyanka w/o Nilesh Borde,
Age : 26 years, Occu. : Household,
R/o. : At present Katrad, Near Katrad
Grampanchayat, Tq. Rahuri,
Dist. Ahmednagar.

2. Viraj s/o Nilesh Borde,
 Age : 4 years, Occu. : Household,
 R/o. : Dattanagar, Shrirampur, Dist. Ahmenagar,
 At present Katrad, Near Katrad
 Grampanchayat, Tq. Rahuri,
 Dist. Ahmednagar.

.. Respondents

Mr. Nitin S. Kadarale, Advocate for the Applicants.
 Smt. Suvarna M. Zaware, Advocate for Respondent No. 1.
 Respondent No. 2 served.

CORAM : KISHORE C. SANT, J.

Date on which reserved for order : 23rd July, 2025.

Date on which order pronounced : 04th September, 2025.

FINAL ORDER :-

. This application is filed seeking quashment of the proceedings bearing Criminal M. A. No. 326/2023 filed under the provisions of Protection of Women from Domestic Violence Act, 2005 (for short "D. V. Act"). A complaint is lodged by the present respondents. Applicant No. 1 is the husband, applicant No. 2 is mother-in-law, applicant No. 3 is uncle of husband, applicant No. 4 is aunt of husband, applicant Nos. 5, 7, 8, 9 & 11 are sisters-in-law, applicant No. 6 is husband of applicant No. 5 and applicant No. 10 is husband of applicant No. 9.

2. The respondents filed a complaint alleging domestic

violence at the hands of the present applicants. It is alleged that, applicant Nos. 5, 7, 8, 9 and 11 interfered with the family life of respondent No. 1. Applicant Nos. 4 and 9 were allegedly harassing respondent No. 1. Against applicant No. 3 it is alleged that, he happens to be in police department and gives threats to father of respondent No. 1. It is alleged that, the husband used to suspect character of respondent No. 1. As per allegation applicant No. 9 used to defame the image of respondent No. 1 stating that she had relations prior to marriage with some other person. There was demand of dowry. Against applicant No. 8 it is alleged that she happens to be nurse. When respondent No. 1 was pregnant, she gave tablets to respondent No. 1 to abort. On these allegations complaint came to be filed on 30.10.2023.

3. The learned J.M.F.C. issued summons. The applicants thereafter approached this Court for quashing of the proceedings.

4. The learned advocate Mr. Kadarale for the applicants vehemently argued that, there are no specific allegations against any of the applicants. Except husband she never resided in a domestic relationship with any of the applicants. A complaint

came to be filed only after husband issued her a notice for cohabitation on 15.05.2023. In the notice it is clearly stated that, respondent No. 1 on her own left the matrimonial house in Diwali 2022. He has also filed H.M.P No. 82/2020 in the Court of learned C.J.S.D., Shrirampur seeking divorce on 08.06.2023 on the ground of desertion and cruelty as she never cohabited with him willingly. It is the case that, even attempt was made before Bharosa Cell to settle the dispute, however, no settlement could be possible because of the attitude of respondent No. 1. The learned advocate thus prays for allowing the application.

5. The learned advocate Smt. Zaware for respondents vehemently argued that, there are specific allegations made in the complaint. Applicant No. 3 is working in police. By using his position he threatened father of respondent No. 1. She submits that, against applicant No. 9 there is specific allegation that she used to defame the respondent No. 1 in the relatives saying that she had relations prior to marriage with some other person. There is specific demand of Rs. 90,000/- (Rs. Ninety Thousand only) by applicant No. 2. Against sisters-in-law there is allegation that they used to constantly come to her house and used to harass her. She

thus submits that, when clearly a case is made out, no indulgence need to be shown. She prays for rejection of the application.

6. This Court by order dated 17.03.2025 recorded that, the application is not pressed for applicant Nos. 1 and 2. The question is thus now, as to whether a case is made out to quash the proceedings so far as applicant Nos. 3 to 11 are concerned. Against applicant No. 3 the allegation is that, he happens to be police person and used to threat father of respondent No. 1. No any specific date or event is given except this allegation. Against applicant Nos. 5, 7, 8, 9 & 11, it is alleged that they used to beat respondent No. 1 on a suspicion that she was chatting on mobile with some other person. However, no specific date and time is given. Further, it is alleged that they used to expect respondent No. 1 to get up at 5.00 O'clock and to do household work. This Court, however, finds that these allegations fall short of making out a case under the D.V. Act. All the sisters-in-law are residing at different places. The address of applicant No. 3 is of Pune. He is in service. This Court thus finds that, he cannot be said to be a person in domestic relation with respondent No. 1.

7. The learned advocate for the applicants relied upon the following judgments :

(i) Ganesh and others Vs. Sau. Nikita and others reported in 2021 ALL MR (Cri) 3036.

(ii) Shyamlal Devda and others Vs. Parimala reported in 2020 (3) SCC 14.

(iii) Mr. Prabhakar Mohite and Ors. Vs. The State of Maharashtra and Ors. reported in 2018 (6) Mh.LJ (Crl.) 478.

(iv) Prakash Vinayak Gaikwad and Ors. Vs. State of Maharashtra and Anr. reported in 2020 (5) Mh.LJ (Crl.) 499.

8. In the case of Ganesh and others (*supra*), a prayer for quashing of complaint was entertained by this Court at Nagpur as the applicants therein were residents of places away from place of residence of complainant – wife. The allegation was that, when applicants went to visit matrimonial house, some incidents of harassment had taken place. It was held that, the applicants were not in domestic relationship with wife, nor they had lived in

shared household with wife and on that the proceeding was quashed.

9. In the case of **Shyamlal Devda and others** (*supra*), the Hon'ble Apex Court held that, before issuing notice, the Court has to be prima facie satisfied that there are instances of domestic violence. In the said case, there were no specific allegations against the relatives of the husband. It was held that the proceedings under the domestic violence are liable to be quashed.

10. In the case of **Mr. Prabhakar Mohite and Ors.** (*supra*), this Court considered that the allegations against uncle and aunt of the husband were vague and general in nature. No specific role was attributed to them. At no point of time they lived in shared household and therefore, they cannot be said to be persons in domestic relationship with wife. In that view of the matter this Court, with the aid of inherent powers under Section 482 of the Code of Criminal Procedure quashed the complaint.

11. In the case of **Prakash Vinayak Gaikwad and Ors.** (*supra*), this Court held that, visits for short duration to the house of wife is not sufficient to rope the persons in the proceedings under the

D.V. Act.

12. Coming to the facts of the present case, this Court finds that the allegations are mainly against the husband and mother-in-law. The application to their extent is already withdrawn. The allegations are vague against applicant No. 3. The only allegation is that he is using his influence being in the police department. Against applicant No. 8 though there appears to be allegation that she has given tablet thereby aborting pregnancy of respondent No. 1, it is seen that this allegation is also vague. It is not clear when that incident took place.

13. Looking to the submissions and the material it is also seen that, the complaint under the D.V. Act is filed much after the husband sent a notice to wife calling her to resume cohabitation. In spite of such notice it is seen that wife did not come for cohabitation and it is thereafter the husband is required to file proceeding for divorce i.e. H.M.P. No. 82/2020 in the Court of learned C.J.S.D., Shrirampur and it is thereafter the complaint is filed. It does appear that the proceeding is filed as counter blast to the divorce proceedings. Till that period she had not filed any

complaint. This further strengthens the doubt that the proceeding is filed only as a counter blast.

14. Considering all above this Court finds that, a case is made out to quash the proceedings so far as applicant Nos. 3 to 11 are concerned. Criminal application is, therefore, allowed in terms of prayer clause (B). The proceeding of Criminal M. A. No. 326/2023 filed under the D. V. Act pending before the learned J.M.F.C., Rahuri stands quashed and set aside to the extent above.

15. With this, criminal application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.