



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1308 OF 2025

Sukhdev Bhaurao Ohol And Others

VERSUS

Rajlaxmi Prashant Ohol And Another

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Advocate for Applicants : Mr. Surendra V. Suryawanshi

Advocate for Respondents : Mr. Kshitij H. Surve

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CORAM : SACHIN S. DESHMUKH, J.

Date : September 16, 2025

ORDER :-

1. The applicants have approached this Court seeking quashing of the complaint presented by the respondents under Section 12 with appropriate reliefs claimed under the Protection of Women from Domestic Violence Act, 2005 (hereinafter "Domestic Violence Act" for short), bearing P.W.D.V.A. No. 684 of 2024 pending before the learned Judicial Magistrate First Class, Aurangabad.

2. The assertion raised in the complaint that the marriage between complainant and applicant No. 3 was solemnized on 11.02.2012 as per the customary rites. The further assertion is that apart from the husband i.e. applicant No. 3, the in-laws i.e. applicants No. 1 and 2 are also involved in acts of domestic

violence. Consequently, the applicants started raising dispute on account of trivial issues. Thereafter, the complainant was driven out of the matrimonial house alongwith the minor son. While presenting the complaint, the sweeping allegations have been levelled against the mother-in-law and father in-law.

3. The proceedings were initiated seeking protection under Section 18 and further prayer for the benefits of protection under Section 18 and 19(8) for providing accommodation. Coupled with the same, the protection under Sections 20 and 22 were also pressed against in-laws. Raising an exception to the complaint, present proceeding has been filed under Section 482 of the CrPC. The application is restricted only to the applicants No. 1 to 2 i.e. mother-in-law and father in-law of respondent No. 1.

4. The learned counsel for the applicants submits that the filing of the complaint against the present applicants is nothing but a sheer abuse of process of law. These applicants are the mother-in-law and father in-law of respondent No. 1. It is contended that due to the service of applicants No. 1 and his frequent transfer, the applicant No. 2 always resided with him. Furthermore, applicant No. 3 and respondent No. 1 after studies, went to Singapore. As such, the applicants No. 1 and 2 i.e. mother-in-law and father in-

law did not reside in a shared household with respondent No. 1. Hence, the allegations of domestic violence are apparently false and unfounded.

5. Learned counsel for the applicants also submits that the allegations made in the complaint against these applicants are sweeping in nature. In the light of the sweeping allegations without attributing specific role against these applicants 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.

6. Per contra, learned counsel for the respondents has opposed the application relying on the averments of the impugned complaint filed under the Domestic Violence Act.

7. Having heard the learned counsel for litigating sides, the fact remains that the applicants herein are the mother-in-law and father in-law. Perusal of the complaint dated 18.12.2024, the allegations against the applicants are sweeping. Predominantly, those allegations are against the husband only. The marathon sequence of the events narrated in the complaint does not specifically attribute any specific role as against present applicants, except the sweeping and omnibus allegations as against the

present applicants. Pertinently, the complainant had a stay alongwith husband outside the India. The present applicants were all the while residing separately from the husband.

8. Moreover, sufficient material is produced on record in the shape of Aadhar Card indicates that the Applicants No. 1 and 2 were residing separately during the tenure of the service due to frequent transfers of applicant No. 1. As such, they hardly had any occasion to reside in a shared house with the Respondent No. 1.

9. Thus, it is evident that the initiation of criminal process which is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the relevant provisions. 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 premise 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.

10. Thus, the 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 on record which clearly constitute criminal offences alleged.

11. The matrimonial relations are fundamentally based on the 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 due course of time. Accordingly, such a circumstances are often the culmination of a series of acts that turns, an otherwise amicable relationship, into a fractured one. In cases involving allegations of domestic violence or harassment, there would typically a series of offending acts, which would require to clearly spelled out by the complainant against the perpetrators in specific terms to rope such

alleged perpetrators in the criminal proceedings sought to be initiated.

12. Thus, mere general allegations of harassment, without attributing the specific role against the present applicants would not suffice to initiate the proceedings and subject them to the trial and tribulations of a false case.

13. Resultantly, I am of the considered view that in cases relating to domestic violence, the complaint and the allegations therein must be specific against each and every member of the family having accusation of such offences and are sought to be prosecuted. Thus, the continuance of proceedings against the applicants No. 1 and 2 i.e. mother-in-law and father in-law into the proceedings would amount to sheer abuse of process of law. In order to achieve the ends of justice, the impugned complaint presented under the Domestic Violence Act deserves to be quashed and set aside as against the applicants No. 1 and 2.

14. Accordingly, the application stands **allowed** in terms of prayer Clause (B) to the extent of applicants No. 1 and 2. The impugned complaint i.e. P.W.D.V.A. No. 684 of 2024, pending

before the Judicial Magistrate First Class, Aurangabad, is hereby quashed and set aside to the extent of the applicants No. 1 and 2.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi