



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CRIMINAL APPLICATION NO. 1320 OF 2025

1. Tukaram s/o. Laxman Gosavi,
Age : 65 years, Occ. : Agri & Labour,
R/o. : Dhamangaon, Deviche,
Tq. Pathardi, Dist. Ahmednagar
2. Nanda w/o. Tukaram Gosavi
Age : 62 years, Occ. : Household,
R/o. : Dhamangaon, Deviche,
Tq. Pathardi, Dist. Ahmednagar
3. Eknath s/o. Tukaram Gosavi
Age : 33 years, Occ. : Household,
R/o. : Dhamangaon, Deviche,
Tq. Pathardi, Dist. Ahmednagar
4. Manda w/o. Sanjay Gosavi
Age : 45 years, Occ. : Household,
R/o. : Dhamangaon, Deviche,
Tq. Pathardi, Dist. Ahmednagar
5. Jyoti w/o. Navnathh Gosavi
Age : 43 years, Occ. : Household,
R/o. : M.I.D.C., Ahmednagar,
Tq. and Dist. Ahmednagar
6. Jayshree w/o. Dnyaneshwar Gosavi
Age : 38 years, Occ. : Household,
R/o. : M.I.D.C., Ahmednagar,
Tq. and Dist. Ahmednagar
7. Neminath s/o. Tukaram Gosavi
Age : 33 years, Occ. : Household,
R/o. : Dhamangaon, Deviche,
Tq. Pathardi, Dist. Ahmednagar

... APPLICANTS
(Ori. Opponent Nos.1 to 7)

VERSUS

1. Pratibha w/o. Neminath Gosavi
Age : 25 years, Occ. : Service,
C/o. : Smt. Ratnamla w/o. Devidas Gosavi,
R/o. : Laxmi Nagar, Valmi Police Chauki,
Paithn Road, Kanchanwadi, Chh. Sambhajinagar,
Tq. and Dist. : Chh. Sambhajinagar
2. Rudra d/o. Neminath Gosavi,
Age : 3 years, Occ. : Nill,
Through her legal guardian
Pratibha w/o. Neminath Gosavi
Age : 25 years, Occ. : Service,
C/o. : Smt. Ratnamla w/o. Devidas Gosavi,
R/o. : Laxmi Nagar, Valmi Police Chauki,
Paithn Road, Kanchanwadi, Chh. Sambhajinagar,
Tq. & Dist. : Chh. Sambhajinagar

... RESPONDENTS
(Ori. Applicant Nos.1 & 2)

...
Mr. Ganesh P. Darandale – Advocate for Applicants
Mr. P.B. Khedkar – Advocate for Respondents
...

CORAM : SACHIN S. DESHMUKH, J.
DATE : 09.09.2025

ORDER :

1. The applicants have approached this Court raising an exception to the proceeding bearing P.W.D.V.A. No.209 of 2024 dated 29.04.2024 presented by the respondents under Section 12 along with reliefs claimed under the relevant provisions of the Protection of Women from Domestic Violence Act, 2005 (hereinafter “D.V Act” for short) before the learned Judicial Magistrate First Class, Aurangabad, Tq. and Dist. Aurangabad.
2. The marriage of applicant No.7 and respondent No.1 was solemnized on 23.07.2020. Initially, the respondent No.1 was treated well

by the applicants. However, after few days, the respondent No.1 was ill – treated and subjected to domestic violence by the applicants on trivial issues and eventually, she was driven out of the house. Resultantly, the respondent No.1 presented the complaint against the applicants.

3. In the light of order of this Court dated 22.04.2025, the application is not pressed to the extent of applicant No.7. It is submitted that the allegations against the present applicants are sweeping and omnibus in nature. There is no specific role attributed as against these applicants. Hence, prayed to allow the application.

4. Learned Counsel for the respondents opposed the application, submitting that the applicants have subjected the respondent No.2 to domestic violence and that there are allegations as against these applicants indicating participation in subjecting the complainant to such violence. Hence, prayed for rejection of the application.

5. Having heard the learned Counsel for the applicants and perused the material on record, the fact remains that except for the sweeping and omnibus allegations made in the present complaint, no specific role has been attributed to the applicant Nos.1 to 6. The tendency of implicating relatives in matrimonial disputes, thereby subjecting them to unnecessary hardship *vis-a-vis* the trials and tribulations of frivolous prosecutions, is gaining ground, which amounts to a sheer abuse of the process of law.

6. The initiation of criminal process is a serious matter with penal consequences involving coercive measures and therefore, it can be permitted only when specific acts constituting offences punishable under the relevant provisions are alleged or attributed to the accused persons. With the same vigour, criminalising domestic disputes without specific allegations and credible material to support the same has disastrous consequences for the institution of family, which is built on the cord of love, affection, cordiality and mutual trust. The 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.

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

8. The matrimonial relationships, which are founded on the strength of cordiality and trust, turn sour to the extent of one partner hurling

allegations of domestic violence and harassment against the other, at the spur of the moment. Such acrimonious relationships usually evolve over a period of time and are the culmination of a series of acts that transform an otherwise 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 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.

9. As has been recorded by this Court hereinabove that complaint does not specify specific allegations except sweeping and general assertion as against present applicant Nos.1 to 6. As such, continuance of proceeding would result into sheer abuse of process of law. Nonetheless, the applicant Nos.1 to 6 are residing separately from applicant No.7 (husband) and the respondents as per the insistence of respondent No.1. As such, applicant Nos. 1 to 6 had no occasion to reside in a shared household with the respondents and the same sufficiently establishes the false implication.

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 applicant Nos.1 to 6 would amount to sheer abuse of process of law.

11. 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 applicant Nos. 1 to 6 only. Hence, the following order :

ORDER

- (a) The application is partly allowed.
- (b) The proceeding bearing P.W.D.V.A. No.209 of 2024 for the offences punishable under Section 12 with reliefs claimed under Protection of Women from Domestic Violence Act, 2005, pending before the learned Judicial Magistrate First Class, Aurangabad is quashed and set aside to the extent of applicant Nos. 1 to 6 only.
- (c) Accordingly, the Criminal Application is disposed of.

[SACHIN S. DESHMUKH]
JUDGE