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53criwp748.24

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

**53 CRIMINAL WRIT PETITION NO. 748 OF 2024**

**LEELABAI RATAN LOKHANDE AND OTHERS**

....Petitioner

**VERSUS**

**SUNITA ASHOK LOKHANDE AND OTHERS**

.....Respondent

Mr. A. S. Tilve, Advocate for the petitioners

Mr. K. A. Ingle, Advocate for respondent Nos. 1 to 3

**CORAM : KISHORE C. SANT, J.**

**DATE : 15<sup>th</sup> JULY, 2025**

**P. C.**

1. At the outset the learned advocate for the petitioners seeks leave to withdraw the criminal writ petition to the extent of petitioner No.1.

2. Leave granted.

3. The criminal writ petition stands disposed off as withdrawn to the extent of petitioner No.1.

4. Heard.

5. This petition is taken up for final disposal at the stage of admission by consent of the parties.

6. The petitioner Nos. 2 to 5 have approached before this court seeking quashment of the proceeding pending in the court of JMFC, Chhatrpati Sambhajnagar bearing PWDVA No. 611/2023. The proceeding is filed under the Domestic Violence Act by respondent Nos. 1 to 3. Petitioner Nos. 3 and 5 are the sisters-in-law of respondent No.1. Petitioner Nos. 2 and 4 are the husband of the petitioner Nos. 3 and 5 respectively. It is alleged in the petition that the respondent No.1 got married with the son of petitioner No.1 and they have two sons out of the said wedlock. After marriage the husband used to doubt character of respondent No.1. The husband on 18-04-2011 had even tried to set the wife on fire by pouring the kerosene on her. The prayers are made for maintenance etc.

7. The learned advocate for the petitioners vehemently argued that looking at the complaint as it is no case is made out against any of the petitioners. He submits that under such circumstances making the petitioners face the complaint, would be an abuse of process of law. He submits that a case is made out for quashing the proceeding as against the present petitioners.

8. The learned advocate for the respondents vehemently argued that for few years relations were cordial. At the instigation of these petitioners, the husband was ill-treating the wife. It is for this reason all the petitioners are shown respondents in the proceeding under the Domestic Violence Act. He submits that here a case is made out to proceed against these persons. There is no merit in the petition and same deserves to be dismissed.

9. This court has gone through the averments in the application under Domestic Violence Act. By reading the

application as it is, this court does not find any allegations made against the present petitioners. The allegations are made mainly against the husband of respondent No.1 and mother-in-law i.e. petitioner No.1. Therefore, this court is convinced that continuance of the proceeding under the Domestic Violence Act against the present petitioners would be clearly an abuse of process of law.

10. Considering above, this court is inclined to allow the criminal writ petition. The criminal writ petition stands allowed in terms of prayer clause-B and same is disposed off.

**[KISHORE C. SANT, J.]**