



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

36 CRIMINAL WRIT PETITION NO. 656 OF 2019

SUKHLAL SITARAM BODKHE AND ANR

VERSUS

VAISHALI RAVINDRA PHUSE AND ANR

None for the parties.

CORAM : KISHORE C. SANT, J.
DATE : 24.07.2025

PC :-

01. On last occasion i.e. on 10.07.2025 none was present for the petitioners. This Court has specifically passed order that even if none appears for the petitioners, this Court will proceed with the petition on merit of the matter.

02. The challenge in this petition is to an order passed by learned the learned 5th JMFC, Jalgaon dated 17.10.2018 in a proceeding bearing No. PWDVA Application No.196 of 2018 under the provisions of the Protection of Women from Domestic Violence Act. The respondents have filed proceeding seeking relief under sections 16, 18, 19, 20, 22 and 23 of the said Act. On going through the complaint, it is prima facie seen that there are no allegations against the petitioners. The order under challenge is an order of issuance of notice through Protection Officer. This petition is filed in the year 2019. This Court passed order on 27.06.2019, thereby issuing notice to the respondents. There was stay granted to the extent of present petitioners i.e. original non-applicant Nos. 4 and 5 in PWDVA application. It was made clear that same shall

not be an impediment to proceeding against non-applicant Nos. 1 to 3. Considering the allegations in the application, it is seen that respondent non-applicant Nos. 4 and 5 (present petitioners) are maternal uncles of the husband. There is no averment to show that they were ever residing together in the shared household. The allegations only show that at their instigation, there was harassment or act of domestic violence against the respondents. The allegations against the present petitioners are only omnibus and vague and thus no case is made out to proceed against them under the provisions of the Protection of Women from Domestic Violence Act.

03. The impugned order is, therefore, quashed and set aside. The proceeding of PWDVA Application No. 196 of 2018 pending before the Court of learned JMFC, Jalgaon stands quashed and set aside to the extent of present petitioners.

04. This Criminal Writ Petition is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]