



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 817 OF 2023

YOGESH SITARAM GAIKWAD AND OTHERS
VERSUS
JAYSHREE YOGESH GAIKWAD AND ANOTHER

...
Advocate for the Petitioners : Mr. D. S. Patil and Ms. Priyanka Y.
Sarnaik h/f Mr. Mahesh S. Deshmukh
Advocate for Respondents : Mr. Rahul Awhad hf/ Mr. N. L.
Chaudhari
...

CORAM : SACHIN S. DESHMUKH, J.

Date : 6th October, 2025

ORDER :-

1. The applicants have approached this Court raising an exception to the complaint bearing Misc. Application (PWDVA) No. 247 of 2023 presented by the respondents under Section 12 with reliefs under Sections 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter "Domestic Violence Act" for short) before the learned Judicial Magistrate First Class, Dhule.

2. The marriage of the petitioner No. 1 and respondent No. 1 was solemnized on 07.12.2008. Initially, the respondent No. 1 was treated well by the applicants. However, thereafter, 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 wake of specific allegations as against husband, the learned counsel for the petitioners, on instructions, does not press the application to the extent of applicant No. 1 / husband. It is submitted that the allegations against the present applicants are sweeping and omnibus in nature. There is no specific role attributed. Hence, prayed to allow the application.

4. The learned counsel for respondents opposed the application submitting that applicants have subjected the respondents to domestic violence and there are allegations as against these applicants owing to their participation in subjecting complainant to domestic violence. Therefore, prayed for dismissal of the petition.

5. Having heard the learned counsel for applicants and perused the material on record, the fact remains that, except the sweeping and omnibus allegations in the present complaint, no specific role is attributed as against these applicants. The tendency is gaining ground in matrimonial disputes to implicate the relatives so as to subject unnecessary hardship vis-a-vis trials and

tribulations of frivolous prosecutions, which is nothing but sheer abuse of process of law.

6. The initiation of criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) constituted the offences punishable under the relevant provisions are alleged or attributed to the accused persons. With same vigour, criminalising domestic disputes without specific allegations and credible materials 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. 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 relationship has been always 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 which clearly constitute criminal offences alleged.

8. The matrimonial relations are founded on the strength of cordiality and trust. In order to 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 course of time. Accordingly, such a situation would be the culmination of a series of acts which turns, otherwise an amicable relationship, into a fractured one.

9. 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 specific terms to rope such 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.

10. As has been recorded by this Court in foregoing

paragraphs that complaint does not specify any specific allegations except sweeping and general assertion as against present applicants, allowing proceeding would result into sheer abuse of process of law. Pertinently, the married sister/s, those who are residing with husband sufficiently establishes the false implication.

11. 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 in the complaint presented against these applicants, the continuance of proceedings against the applicants No. 2 to 6 by dragging these applicants 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 to the extent of the applicants No. 2 to 6 only. Hence, following order :-

ORDER

- I. Application is **allowed**.
- II. The proceeding bearing Misc. Application (PWDVA) No. 247 of 2023 for the offences under Section 12 with reliefs claimed under Sections 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act,

2005, pending before the learned Judicial Magistrate First Class, Dhule, is quashed and set aside to the extent of applicants No. 2 to 6.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi