



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

906 CRIMINAL WRIT PETITION NO.899 OF 2025

1. Parth S/o. Dnyaneshwar Mutrak,
Age-31 years, Occu-Business,
R/o. Pandurang Prasad Nehru Chowk,
Vanjar Galli, Sinnar, Tq. Sinnar,
Dist. Nashik
 2. Sau. Nayana W/o. Dnyaneshwar Mutrak,
Age-51 years, Occu-Household,
R/o. Pandurang Prasad Nehru Chowk,
Vanjar Galli, Sinnar, Tq. Sinnar,
Dist. Nashik
 3. Dnyaneshwar S/o. Namdeo Mutrak,
Age-59 years, Occu-Business,
R/o. Pandurang Prasad Nehru Chowk,
Vanjar Galli, Sinnar, Tq. Sinnar,
Dist. Nashik
 4. Sau Sandhya W/o. Madhusudhan Mutrak,
Age-30 years, Occu-Household,
R/o. Pandurang Prasad Nehru Chowk,
Vanjar Galli, Sinnar, Tq. Sinnar,
Dist. Nashik
 5. Madhusudhan S/o. Dnyaneshwar Mutrak,
Age-33 years, Occu-Agriculture,
R/o. Pandurang Prasad Nehru Chowk,
Vanjar Galli, Sinnar, Tq. Sinnar,
Dist. Nashik
 6. Nilesh S/o. Devidas Targe,
Age-44 years, Occu-Business,
R/o. Rahata, Tq. Rahata,
Dist. Ahmednagar
- ...[PETITIONERS]
[ORI. OPPONENT NOS. 1 TO 6]

VERSUS

Rohini W/o. Parth Mutrak,
Age-29 years, Occu-Household,
R/o. Village Sirasgaon, Tq. Vaijapur,

...RESPONDENT

Dist. Aurangabad

[ORI. APPLICANT]

Mr. V. P. Raje, Advocate for the petitioners

Mrs. Madhaveshwari Mhase, Advocate for the respondent

CORAM : ABHAY J. MANTRI, J.

DATE : 24th DECEMBER, 2025

ORAL JUDGMENT :

1. It appears that by order dated 09-07-2025, the petition is dismissed against the petitioner No.1.
2. Heard. Rule. **Rule** is made returnable forthwith and heard finally, the learned advocate for both parties, at the admission stage.
3. The petitioners have invoked the inherent jurisdiction of this court to quash the proceeding bearing Criminal Misc. Application No. 235/2024 pending against the applicants/petitioners before the learned Judicial Magistrate First Class, Vaijapur, Dist. Aurangabad (for short, the '*learned Magistrate*').
4. Having heard the learned advocate for the parties and having gone through the proceeding and record, at the outset, it appears that the allegations against petitioner Nos. 2 to 6 are vague and omnibus and no specific instances causing domestic violence against her were mentioned in the application. Similarly, no specific role or allegations were levelled against any of the petitioners Nos. 2 to 6, and no specific incident of causing domestic violence has been mentioned. The allegations pointed out in paragraphs 6 and 9 of the

original proceeding bearing Cri. Mis. Application No.235/2024 are vague and general in nature, and therefore, these allegations cannot be termed as domestic violence caused by the petitioner Nos. 2 to 6 against the respondent. Consequently, I do not find any merit in the contentions of the learned advocate for the respondent.

5. Apart from that, a bare perusal of the prayers in Criminal Misc. Application No. 235/2024, it does not appear that the respondent has claimed any relief against the petitioner Nos. 2 to 6; the relief sought can be claimed only from the respondent No. 1's husband. Therefore, I do not find any substance in the contention of the learned advocate for the respondent that the allegations made in the application attract the ingredients of domestic violence.

6. Similarly, upon consideration of the record, in my view, in the absence of any specific role attributed to petitioners Nos. 2 to 6, it would be unjust and unfair if they are forced to undergo the tribulation of the trial. It is to be noted that nowadays a tendency of the wife is increasing to implead the relatives of the husband in the proceedings and compel them to undergo the trial or pressurise the husband. Thus, it appears that the respondent failed to demonstrate that she has made out a case to continue the proceeding against the petitioner Nos. 2 to 6.

7. On the contrary, it appears that the allegations in the application against the petitioners, nos. 2 to 6, are vague and omnibus. Accordingly, it would not be just to compel the petitioners Nos. 2 to 6 to undergo trial.

8. It further appears that by order dated 18-12-2025, it has been brought to the notice of this court that “*the respondent has filed the pursis before the learned Magistrate on 16-07-2025, stating that she does not wish to proceed with the matter against the petitioner Nos. 2 to 6 except her husband*”. Despite getting the order on the said pursis, the respondent, after recording the stated facts in the order dated 18-12-2025, withdrew the said pursis, thereby indicating the intention of the respondent to harass the petitioners.

9. Thus, considering the above discussion, it appears that the respondent, with a view to harassing the petitioners Nos. 2 to 6 and pressurising the petitioner No. 1, has impleaded the petitioners Nos. 2 to 6 in the proceeding. Although she has not claimed any relief against them and thereby abused the process of law, the respondent is liable to pay the costs.

10. As a result, the petition is partly allowed. The proceeding bearing Criminal Misc. Application No.235/2024 pending before the learned Judicial Magistrate First Class, Vaijapur, Dist. Aurangabad is hereby quashed and set aside to the extent of petitioner Nos. 2 to 6.

11. The respondent is directed to deposit the cost of Rs. 5000/- with the Legal Authority Services, Aurangabad, for unnecessarily impleading petitioner Nos. 2 to 6 in the proceeding, within a period of eight weeks from today, failing which, the learned Magistrate is requested to take appropriate steps to comply with this order in accordance with law.

12. Rule is partly made absolute in the above terms. Inform this order to the learned magistrate accordingly.

[ABHAY J. MANTRI, J.]

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