



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

CRIMINAL WRIT PETITION NO. 915 OF 2025

1. Rohit S/o. Devram Wadmare,
age 38 years, occu. Service,
R/o. 502, Mukta Apartment,
Military Road, Andheri (East),
Mumbai-4000059
2. Devram S/o. Dagdu Wadmare,
age 68 years, occu. Pensioner,
R/o. 502, Mukta Apartment,
Military Road, Andheri (East),
Mumbai-4000059
3. Vanita W/o. Devram Wadmare,
age 60 years, occu. Housewife,
R/o. 502, Mukta Apartment,
Military Road, Andheri (East),
Mumbai-4000059
4. Swati W/o. Nikhil Nambiyar,
age 32 years, occu. Household,
R/o. C/o. Akashdeep Building,
Sarvoday Nagar, Saint Payas Colony,
Mulund (West), Mumbai.

....Petitioners

Versus

Prerna W/o. Rohit Wadmare,
age 25 years, occu. Housewife,
R/o. C/o. Suraj Sambhajirao Shelhalkar,
Nayi Aabadi, Samishra Colony,
Udgir, Tq. Udgir, Dist. Latur,
Mobile No. 9822859864

....Respondent

...

Advocate for Petitioners : Mr. Prashant M. Nagargoje
Advocate for Respondent : Mr. Nitin U. Tlgaonkar

...

CORAM : ABHAY J. MANTRI, J.

DATE : 23RD DECEMBER, 2025

ORAL JUDGMENT :

1. Learned Advocate for the petitioners during the arguments submitted that the petitioners do not want to press the petition on behalf of petitioner no. 1 – Rohit. Hence, he sought leave to withdraw the petition on his behalf. His statement is accepted. In view of the statement, the petition is dismissed as withdrawn against petitioner No.1.

2. Heard. **Rule.** Rule is made returnable forthwith and heard finally by the consent of the learned Advocates for both parties at the admission stage.

3. The petitioners have invoked inherent jurisdiction by this Court under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short '**the BNSS**'), for quashing the proceeding bearing PWDVA No. 16/2025, pending before the learned Judicial Magistrate First Class, Udgir (for short '**learned Magistrate**') under Section 12 of the Domestic Violence Act, 2005 (for short '**the D.V Act**').

4. Learned Advocate for the respondent tenders across the bar a reply affidavit of the respondent. The same is taken on record.

5. Having heard the learned Advocate for both parties and having gone through the original application and the proceedings, at the

outset, it appears that the allegations in the complaint are general and omnibus. No specific allegations appear against petitioners nos. 2 to 4 in the petition. Similarly, no specific instances of domestic violence at the hands of petitioner nos. 2 to 4 have been mentioned in the application, nor does any particular role or allegations appear against petitioner nos. 2 to 4 in the application. Only stating that all the petitioners demanded dowry of Rs. 30 Lakhs would not be sufficient to attract the provisions of the D. V. Act, against the petitioners Nos. 2 to 4, to infer that they have committed 'domestic violence' against the respondent.

6. Apart from that, petitioner no. 4 is the married sister-in-law of the respondent, and she is living at her matrimonial house. No averment was made in the application that she was living in the shared household with petitioner no. 1 and the respondent at any time. Notwithstanding the foregoing, the respondent impleaded her as a party to the proceeding. According to the learned Advocate for the petitioners, petitioner no. 4 resides in Kerala.

7. That being so, in my view, the ingredients of Section 12 of the D.V. Act would not apply against petitioner no. 4.

8. Having considered the same, in the absence of any specific role attributed to petitioners nos. 2 to 4, it would be unjust if they are forced to go through the tribulation of the trial. A judicial note can be

taken that nowadays the tendency of the wife has increased to implead the relatives of the husband in the proceedings with an ulterior motive of pressurising the petitioner No.1 and thereby forcing them to undergo a trial to keep pressure on the petitioner No.1.

9. In addition, a bare perusal of the prayers in the original proceeding suggests that the respondent has only prayed for the monetary reliefs in the petition. These reliefs could be sought against petitioner no. 1. For that purpose, the rest of the petitioners are not necessary parties.

10. Thus, considering the above, it appears that the respondent with a view to pressurize the petitioners to settle the matter or to harass them has impeded petitioners No. 2 to 4 in the application when undisputedly petitioner no. 4, is the married sister-in-law of the respondent and residing at her matrimonial house, and thereby, the respondent abused the process of law, and therefore, in my view for unnecessary implicating petitioner nos. 2 to 4 in the proceeding as a party, the respondent is liable to saddle with the costs.

11. As a result, the petition is partly allowed. Petition to the extent of petitioner no. 1 is dismissed as withdrawn. The proceeding bearing PWDVA No. 16/2025, pending before the learned Judicial Magistrate First Class, Udgir, to the extent of petitioner nos. 2 to 4, is

hereby quashed and set aside.

12. The respondent is directed to deposit the costs of Rs. 10,000/- (Rupees ten thousand) with the Legal Services Authority, Udgir, within a period of two months from today, failing which, the learned Magistrate shall take appropriate steps to comply with this order. The rule is made partly absolute in the above terms. Inform the order to the learned magistrate accordingly.

(ABHAY J. MANTRI, J.)

SPC