



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

906 CRIMINAL APPLICATION NO.2704 OF 2025

1. Chandrasen Alias Dinesh Bhagwan Patekar,
Age-40 years, Occu-Teacher,
R/o. Jafrabad, Tq. Jafrabad
Dist. Jalna
2. Bhagwan Bhaulal Patekar,
Age-65 years Occu-Retired,
R/o. Ambad, Tq. Ambad,
Dist. Jalna
3. Meera Bhagwan Patekar,
Age-60 years, Occu-Housewife,
R/o. Ambad, Tq. Ambad,
Dist. Jalna
4. Jalindar Bhagwan Patekar,'
Age-43 years, Occu-Teacher,
R/o. Ambad, Tq. Ambad,
Dist. Jalna
5. Savita Jalindar Patekar,
Age-35 years, Occu-Housewife,
R/o. Ambad, Tq. Ambad,
Dist. Jalna
6. Mangal Subhash Shelke,
R/o. Paithan, Tq. Paithan,
Dist. Aurangabad
7. Subhash Punamchand Shelke,
Age-42 years, Occu-Teacher,
R/o. Paithan, Tq. Paithan,
Dist. Aurangabad
8. Sandhya Bhagwat Shirsath,
Age-39 years, Occu-Housewife,
R/o. Water Tank Indewadi,
Tq. Jalna, Dist. Jalna

9. Bankar Sarukh,
Age-65 years, Occu-Labour,
R/o. Near Water Tank Indewadi,
Tq. Jalna, Dist. Jalna

...APPLICANTS

VERSUS

1. State of Maharashtra
2. Rashmi Chandrasen Patekar,
Age-27 years, Occu-Housewife,
C/o. Gopichand Ashruji Ahire,
R/o. Shanti Nagar, College Road,
Tq. Kannad, Dist. Aurangabad
3. Aaradhya Chandrasen Patekar,
Age-7 years, Occu- Education
Under Guardian of Resp No. 1,
R/o. Shanti Nagar, College Road,
Tq. Kannad, Dist. Aurangabad
4. Devansh Chandrasen Patekar,
Age-3 years, Occu-Education
Under Guardian of Resp No. 1
R/o. Shanti Nagar, College Road,
Tq. Kannad, Dist. Aurangabad

...RESPONDENTS

Mr. Shital Pujari, Advocate h/f Mr. Pralhad C. Bhagure, Advocate for the applicants

Mr. B. V. Virdhe, APP for the respondents/State

Mr. Arun Shejwal, Advocate for the respondent No. 2

CORAM : ABHAY J. MANTRI, J.

DATE : 24th DECEMBER, 2025

ORAL JUDGMENT :

1. It appears that by order dated 17-11-2025, the application is dismissed against the applicant No.1.

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

3. The petitioners have invoked the inherent jurisdiction of this court to quash the proceeding bearing PWDVA No. 101/2025 pending before the learned Judicial Magistrate First Class, Kannad, Dist. Aurangabad (for short, the '**learned Magistrate**').

4. It appears that applicant Nos. 6 is the sisters-in-law of respondent No. 2 and applicant No. 7 is the husband of applicant No. 6. Applicant Nos. 8 to 10 have no concerned with the family of respondent No. 2. But the allegations in the application is that the applicant No. 1 has extra marital affair with the applicant No. 8 and the applicant Nos. 9 and 10 are her parents. Undisputedly, the applicants Nos. 6 to 10 are not the joint family members of the applicant No.1 and the respondent, nor have they ever lived in the shared household at any time, and therefore, the question of attracting a domestic relation between them does not arise.

5. 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 applicant Nos. 2 to 10 are vague and omnibus as no specific instances causing domestic violence against respondent No.2 were mentioned in the application.

Similarly, no particular role or allegations were levelled on either of the applicants Nos. 2 to 10, and no specific incident of causing domestic violence has been mentioned. The allegations pointed out in said application are vague and general in nature. Therefore, these allegations cannot be termed as domestic violence caused by the applicant Nos. 2 to 10 against the respondent. Consequently, I do not find merit in the contention of the learned advocate for the respondent.

6. Apart from that bare perusal of the prayers in Application No. 101/2025, it does not appear that the respondent has claimed any relief against the applicant Nos. 2 to 10, but the relief sought can be claimed from the husband only. 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.

7. Similarly, upon consideration of the record, in my view, in the absence of any specific role attributed to applicant Nos. 2 to 10, it would be unjust and unfair if the applicants 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 he has made out a case to continue the proceeding against the applicant Nos. 2 to 10.

8. On the contrary, it appears that the allegations are vague and omnibus and therefore it would not be just to force the applicant Nos. 2 to 10 to undergo the trial.

9. Thus, considering the above discussion, it appears that respondent No. 2, with a view to harassing the applicant Nos. 2 to 10 and pressurising the petitioner No. 1-husband, has impleaded the applicant Nos. 2 to 10 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 application is partly allowed. The proceeding bearing PWDVA No. 101/2024 pending before the learned Judicial Magistrate First Class, Kannad, Dist Aurangabad, is hereby quashed and set aside to the extent of applicant Nos. 2 to 10.

11. The respondent No. 2 is directed to deposit the cost of Rs. 5000/- with the Legal Authority Services, Aurangabad, for unnecessarily impleading applicant Nos. 2 to 10 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 the learned magistrate accordingly.

[ABHAY J. MANTRI, J.]

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