



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL APPLICATION NO. 2941 OF 2025

1. Vishwas s/o. Vantu Gavit,
Age : 39 years, Occ. : Service,
R/o. : Savarat, Navapur, Visarwadi,
Tq. Navapur, Dist. Nandurbar,
At present : Flat No.7, Vishal Housing
Society, near Rajarshi Shau Garden, Bijli
Nagar, Chinchwad, Tq. Chinchwad,
Dist. : Pune
2. Bhamu w/o. Vantu Gavit,
Age : 61 years, Occ. : Agri./Household,
R/o. : Mouje new Savarat, Tq. Nawapur,
Nadurbar, Dist. Nadurbar
3. Vantu s/o. Rubji Gavit,
Age : 65 years, Occ. : Agri.,
R/o. : Nawapur, Nandurbar,
Dist. Nandurbar
4. Usha w/o. Prashant Valavi,
Age : 36 years, Occ. : Agri.,
R/o. : Malpur Arditara, Nandurbar

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Visarvadi, Police Station,
Tq. Nawapur & Dist. Nandurbar
2. Poonam w/o. Vishwas Gavit,
Age : 32 years, Occ. : Household,
R/o. : at present Vadsatra, post Chitvi,
Tq. Nawapur, Dist. Nandurbar

... RESPONDENTS

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Ms. Vikhyati S. Jain – Advocate for Applicants
Ms. M.N. Ghanekar – APP for Respondent No.1, State
Mr. Mukul S. Kulkarni – Advocate for Respondent No.2

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CORAM : **SACHIN S. DESHMUKH, J.**
DATE : **07.10.2025**

PER COURT :

1. The applicants have approached this Court raising an exception to the complaint bearing Criminal Misc. Application No. 71 of 2025 presented by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter "*D.V Act, 2005*" for short), wherein various reliefs have been sought under Sections 18, 19, 20, 22 and 23, before the learned Judicial Magistrate First Class, Navapur, Tq. Navapur, Dist. Nandurbar.

2. The marriage of applicant No.1 and respondent No.2 was solemnized on 01.06.2022. Initially, relationship between the parties was cordial and respondent No.2 was treated well by the applicants. However, thereafter differences arose, the respondent No.2 was allegedly ill-treated and subjected to domestic violence by the applicants on trivial issues. Eventually, respondent No.2 was constrained to leave the matrimonial house. Following which the respondent No.2 presented the complaint against the applicants under provisions of the D.V. Act, 2005.

3. Ms. Vikhyati Jain, learned Counsel for the applicants, submits that the allegations in the complaint are vague, sweeping and omnibus in nature. No specific role has been attributed to the present applicants. In

so far as applicant No.1, the husband, is concerned, the Counsel on instructions does not press the present application.

4. Learned Counsel for respondent No.2 opposed the application, contending that the applicants have subjected respondent No.2 to domestic violence and that the allegations clearly indicate their participation in the acts complained. It is therefore, prayed for rejection of the application.

5. Having heard the learned Counsel for the litigating sides and upon perusal of the record, it is apparent that except for the sweeping and omnibus allegations, no specific role has been attributed to the applicants. The tendency to implicate relatives in matrimonial disputes without distinguishing their individual involvement has been deprecated by the Hon'ble Apex Court. Thereby, subjecting to unnecessary hardship *vis-a-vis* the trials and tribulations of frivolous prosecutions, is gaining ground, which amounts to a sheer abuse of the process of law.

6. The Court is mindful that the initiation of criminal proceedings is a serious matter with penal consequences involving coercive measures. Therefore, criminal law ought to be invoked only when specific acts constituting offences punishable under the relevant provisions are clearly alleged or attributed to the accused persons. Vague allegations cannot justify continuation of such proceedings. As such, criminalising domestic

disputes without specific allegations and credible material 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. The 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. The preservation of family relationships has always been emphasised in our society and is also a consistent judicial concern. As such, when family relationships are sought to be brought within the ambit of criminal proceedings, thereby rupturing the family bond, the Court should be circumspect and judicious and should allow invocation of the criminal process only when there are specific allegations, supported by material, which clearly constitute the criminal offences alleged.

8. Matrimonial relationships, which are founded on the strength of cordiality and trust, turn sour to the extent of one partner hurling allegations of domestic violence and harassment against the other, at the spur of the moment. Such acrimonious relationships usually evolve over a period of time and are the culmination of a series of acts that transform an otherwise amicable relationship into a fractured one. 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 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. As is recorded by this Court that complaint does not specify and 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.

9. In the present case, complaint filed by respondent No.2 does not disclose specific acts of domestic violence against the present applicant Nos. 2 to 4. Instead it contains, only general and omnibus allegations, without particulars or specific act. Allowing such proceeding to continue would amount to abuse of the process of law and subject the applicants to unwarranted and unjustified hardship and stigma. Equally, the applicants being implicated without credible material, sufficiently establishes false implication.

10. In view of aforesaid aspect, this Court is of the considered opinion that proceedings under D.V. Act, 2005, in absence of specific allegations renders continuation of the proceedings against the present

applicants a sheer abuse of process of law. To meet the ends of justice, interference is, therefore, warranted. Hence, the following order :

ORDER

- (a) Application is allowed.
- (b) The proceeding bearing Criminal Misc. Application No.71 of 2025 for the offences punishable under Section 12 with reliefs claimed under Sections 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, pending before the learned Judicial Magistrate First Class, Navapur, Tq. Navapur, Dist. Nandurbar, is quashed and set aside to the extent of applicant Nos. 2 to 4 only.

[SACHIN S. DESHMUKH]
JUDGE

Pooja Kale/