



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2958 OF 2023

RAJESH SIMON DAROLE AND OTHERS
VERSUS
VINITA RAJESH DAROLE

Advocate for Applicant : Mr. Ajit B. Chormal
Advocate for Respondent : Mr. Ganesh A. Ambildhage

CORAM : SACHIN S. DESHMUKH, J.
Date : 18th November, 2025

ORDER :-

1. The applicants have approached this Court seeking quashing of the complaint bearing P.W.D.V.A. No. 48 of 2023 presented by the respondent under Section 12 along with reliefs under Sections 18, 17, 18, 19, 20, 21, 22 and 31 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter "Domestic Violence Act" for short), pending before the learned Judicial Magistrate First Class, Shevgaon.

2. The assertion raised in the complaint that the marriage between complainant and applicant No. 1 was solemnized on 18.11.2017 as per the customary rites and traditions. The further assertion is that the applicants are involved in acts of domestic

violence. The applicant No. 1 / husband also raised dispute on account of trivial issues. The applicants raised a demand of Rs. 1,00,000/- for the purpose of furniture in the house. Thereafter, on 31.05.2023, the complainant was driven out of the matrimonial house. In the aforesaid backdrop, the respondent presented the impugned complaint.

3. The learned counsel for the applicants submits that the filing of the complaint against the present applicants is nothing but a sheer abuse of process of law. These applicant No. 3 is the married sister of the complainant's husband and applicant No. 4 is the husband of married sister, whereas the applicants No. 6 to 8 are the maternal uncle of the applicant No. 1.

4. Learned counsel for the applicants also submits that the allegations made in the complaint against these applicants are sweeping and general in nature. In the light of the sweeping allegations without attributing any specific role and the fact that these applicants are distant relatives of the complainant's husband, only in order to harass these applicants in a false and frivolous proceedings, the complaint is filed. Therefore, prayed to quash the complaint against the applicants.

5. Per contra, learned counsel for original respondent submits all the applicants have ill-treated the respondent and subjected to domestic violence. Resultantly, prayed to dismiss the application.

6. Having heard the learned counsel for litigating sides, the fact remains that the applicants herein are the married sister and distant relatives of the complainant's husband. Except the sweeping and omnibus allegations in the complaint, no specific role is attributed as against these applicants. The tendency is gaining ground in matrimonial disputes to implicate the married sisters with a view to subject the married sisters to unnecessary hardship vis-a-vis trials and tribulations of frivolous prosecutions, which is nothing but sheer abuse of process of law.

7. 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 may have 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.

8. Thus, preservation of family relationship has always been 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.

9. The matrimonial relations which are founded on the basis of cordiality and trust, 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. 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. 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. So far as applicant No. 1 is concerned, there are specific allegations.

11. Thus, in absence of specific allegations, the continuance of proceedings against the applicants No. 2 to 8 by discriminately 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 8

only. Hence, following order :-

ORDER

- I. Application is partly **allowed**.
- II. The proceeding bearing P. W. D. V. A. No. 48 of 2023 for the offences under Section 12 with reliefs claimed under Sections 18, 17, 18, 19, 20, 21, 22 and 31 of the Protection of Women from Domestic Violence Act, 2005, pending before the learned Judicial Magistrate First Class, at Shevgaon, is quashed and set aside to the extent of applicants No. 2 to 8 only.
- III. Prayer to the extent of applicant No. 1 is hereby rejected.
- IV. The learned Trial Court to proceed with the impugned complaint as against applicant No. 1 as per law.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi