



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3031 OF 2023

TRUPTI D/O RASIKLAL MUNOT AND OTHERS
VERSUS
SUPRIYA W/O DHIRAJ MUNOT

...
Advocate for Applicant : Mr. R. L. Chhabda
Advocate for Respondents : Mr. P. B. Shirsath
...

CORAM : SACHIN S. DESHMUKH, J.

Dated : September 8, 2025

ORDER :-

1. The applicants have approached this Court seeking quashing of the complaint presented by the respondents under Section 12 with reliefs claimed under Sections 18, 19, 20(1)d, 21, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter "Domestic Violence Act" for short), the complaint is pending before the learned Judicial Magistrate First Class, Ahmednagar.

2. The assertion raised in the complaint that the marriage between complainant and applicant No. 4 was solemnized in the year 2007 as per the customary rites and traditions. The further assertion is that apart from the husband, the married sisters have also been involved in acts of domestic violence. Consequently, the

husband raised dispute on account of trivial issues and eventually abandoned interaction with the complainant and started consciously ignoring the minor daughters. Thereafter, the complainant was driven out of the matrimonial house alongwith the minor daughters. While filing complaint, the sweeping allegations have been levelled against the in-laws, including the married sisters. The proceedings were initiated seeking protection under Section 18 and further prayer for the benefits of protection under Section 18 and 19(8) for providing accommodation. Coupled with the same, the protection under Sections 20 and 22 were also pressed against in-laws. Raising an exception to the complaint, present proceeding has been filed under Section 482 of the CrPC. The application is restricted only to the applicants No. 1 to 3 i.e. married sisters of the complainant's husband.

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 applicants are the married sisters of the complainant's husband. The marriage of applicant No. 2 is solemnized in the year 1990 and the marriage of applicant No. 3 is solemnized in the year 1996. Both are residing independently at their matrimonial houses along with their respective husband.

Applicant No. 1 though married on account of divorce resides with her parents.

4. Learned counsel for the applicants also submits that the allegations made in the complaint against these applicants are sweeping in nature. In the light of the sweeping allegations without attributing any specific role and the fact that these applicants are married sisters of the complainant's husband, only in order to implicate 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 complainant submits that so far as applicant No. 1 is concerned, although the sister is married, is now divorced and resides with the parents. Therefore, prayed to dismiss the application.

6. Having heard the learned counsel for litigating sides, the fact remains that the applicants herein are the married sisters of 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. Thus, it is evident that the initiation of criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the relevant provisions . 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 premise 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, the 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 on record which clearly constitute criminal offences alleged.

9. The matrimonial relations that fundamentally based on the 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 due course of time. Accordingly, such a circumstances are often the culmination of a series of acts that turns, an otherwise amicable relationship, into a fractured one. In cases involving allegations of domestic violence or harassment, there would typically a series of offending acts, which would require to clearly spelled out by the complainant against the perpetrators in specific terms to rope such alleged perpetrators in the criminal proceedings sought to be initiated.

10. Thus, mere general allegations of harassment, without attributing the specific role against the present applicants would

not suffice to initiate the proceedings and subject them to the trial and tribulations of a false case.

11. Resultantly, I am of the considered view that in cases relating to domestic violence, the complaint and the allegations therein must be specific against each and every member of the family having accusation of such offences and are sought to be prosecuted. Thus, the continuance of proceedings against these applicants by discriminately dragging these married sisters into the proceedings 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 as against the applicants No. 1 to 3.

12. Accordingly, the application stands **allowed** in terms of prayer Clause (C) to the extent of applicants No. 1 to 3. The impugned complaint i.e. Criminal Misc. Application No. 464 of 2020, pending before the Judicial Magistrate First Class, Ahmednagar, is hereby quashed and set aside to the extent of the applicants No. 1 to 3. No order as to costs.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi