



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3098 OF 2023

BHAURAO BABURAO PATIL (BAVISKAR) AND OTHERS
VERSUS
SANGIT VINOD PATIL

...
Advocate for the Petitioners : Mr. R. R. Kazi

Advocate for Respondents : Mr. A. G. Mulange h/f Mr. J. V. Patil

...

CORAM : SACHIN S. DESHMUKH, J.

Date : 1st October, 2025

ORDER :-

1. The applicants have approached this Court raising an exception to the complaint bearing Misc. Application (PWDVA) No. 27 of 2023 presented by the respondent under Section 12 with reliefs under Sections 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter "Domestic Violence Act" for short) before the learned Judicial Magistrate First Class, Amalner.

2. Initially, the respondent herein was treated well by the applicants. However, it is thereafter alleged that the respondent was ill-treated and subjected to domestic violence by the applicants on trivial issues. Consequently, the respondent No. 1 presented the complaint against the applicants before the Magistrate seeking the

reliefs as prayed for under the Domestic Violence Act wherein the applicants are the original respondents No. 2 to 9.

3. It is submitted that the allegations against the present applicants are sweeping and omnibus in nature. There is no specific role attributed. It is further submitted that the present applicants had no occasion to have a shared house with the respondent. Hence, prayed to allow the application.

4. The learned counsel for respondent opposed the application submitting that applicants have subjected the respondent to domestic violence and there are allegations as against these applicants owing to the participation of these applicants in subjecting complainant to domestic violence. Therefore, prayed for rejection of the present application.

5. Having heard the learned counsel for litigating sides and perusal of the material on record, the fact remains that except the sweeping and omnibus allegations in the present complaint, no specific role is attributed to these applicants. The tendency is gaining ground in matrimonial disputes to implicate all the relatives so as to subject them unnecessary hardship vis-a-vis trials and

tribulations of frivolous prosecutions, which is nothing but sheer abuse of process of law.

6. The initiation of criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) constituting the offences punishable under the relevant provisions are alleged or attributed to the accused persons.

7. Criminalising domestic disputes without specific allegations and credible materials to support the same has disastrous consequences for the institution of family, which is edified 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 attempted 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 are founded on the strength 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.

10. 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. Admittedly, the perusal of the complaint does not indicate and establishes specific allegations as against these applicants.

11. 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 any 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.

12. 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.

13. Thus, in absence of specific allegations in the complaint as against these applicants, the continuance of proceedings against the present applicants by 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 only. Hence, following order :-

ORDER

- I. Application is **allowed**.
- II. The proceeding bearing Criminal Misc. Application (PWDVA) No. 27 of 2023 for the offences under Section 12 with reliefs claimed under Sections 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, pending before the learned Judicial Magistrate First Class, Dhule, is quashed and set aside to the extent of applicants.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi