



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

CRIMINAL APPLICATION NO. 3382 OF 2025

1. Mangesh S/o. Gulabrao Jadhav,
Age: 36 years, Occ. Service,
R/o. Vrindavan Colony, Plot No. 38,
Bhavsingpura Road, Tq. & Dist. Aurangabad.
2. Gulabrao S/o. Shankarrao Jadhav,
Age: 68 years, Occ. Pensioner,
R/o. Vrindavan Colony, Plot No. 38,
Bhavsingpura Road, Tq. & Dist. Aurangabad.
3. Ramabai W/o. Gulabrao Jadhav,
Age: 57 years, Occ. Housewife,
R/o. Vrindavan Colony, Plot No. 38,
Bhavsingpura Road, Tq. & Dist. Aurangabad.
4. Manisha W/o. Rahul Khandare,
Age: 39 years, Occ. Service,
R/o. Samrat Ashok Society, Pethenagar,
Bhavsingpura, Tq. & Dist. Aurangabad.
5. Janabai W/o. Himmatrao Gawai,
Age: 75 years, Occ. Nil,
R/o. Chikhli, Tq. Chikhli,
Dist. Buldhana.
6. Annapurna Alias Banubai Baburao Wankhede,
Age: 81 years, Occ. Nil,
R/o. Amdapur, Tq. Chikhli,
Dist. Buldhana.
7. Raju S/o. Himmatrao Gawai,
Age: 49 years, Occ. Service,
R/o. Chikhli, Tq. Chikhli,
Dist. Buldhana.
8. Trisharan S/o. Raju Gawai,
Age: 21 years, Occ. Student,

R/o. Chikhli, Tq. Chikhli,
Dist. Buldhana.

9. Dilip Namdeo Gawai,
Age: 65 years, Occ. Nil,
R/o. Ambashi, Tq. Chikhli,
Dist. Buldhana.
10. Laxmibai Salve,
Age: 75 years, Occ. Nil,
R/o. Vasuboregaon, Tq. Chikhli,
Dist. Buldhana.

... Applicants.

Versus

1. The State of Maharashtra
2. Mrs. Shubhangi W/o. Mangesh Jadhav,
Age: 32 years, Occ. Service,
R/o. Vrindavan Colony, Plot No. 38,
Bhavsingpura Road,
Tq. & Dist. Aurangabad.

... Respondents.

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Advocate for Applicants : Ms. S.P. Bhagure h/f. Mr. P.C. Bhagure

APP for Respondent No. 1: Mr. P.M. Kulkarni

Advocate for Respondent No. 2 : Mr. U.L. Telgaonkar

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CORAM : ABHAY J. MANTRI, J.

DATE : 02ND DECEMBER, 2025

ORAL JUDGMENT:

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally by the consent of the learned advocates for the parties at the admission stage.
2. By this application, applicants have invoked inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik

Suraksha Sanhita, 2023, (for short- '**B.N.S.S.**') for quashing the proceedings of PWDVA No. 43/2025, pending before the learned 5th Judicial Magistrate, First Class, Jalna, District Jalna, under Sections 18 to 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005.

3. It is pertinent to note that the learned Advocate for the applicants, on instructions of the applicants, seeks leave to withdraw the application on behalf of applicant nos. 1 to 3, who are the husband and parents-in-law of respondent no. 2. Her statement is accepted. In view of the same, the application is dismissed against applicants nos. 1 to 3.

4. Learned Advocate for the applicants vehemently contended that applicant nos. 5 to 10 are residents of Taluka Chikhli, and applicant no. 4 is the married sister-in-law who is living at her matrimonial house. They never resided in the shared household along with respondent no. 2, nor did they have a domestic relationship with her. However, with a view to harassing them, respondent no. 2 has filed an application against the applicants before the learned JMFC, Jalna. Therefore, she urged that the proceedings bearing PWDVA No. 43/2025 be quashed against applicant Nos. 4 to 10, and that the application be allowed to that extent.

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5. As against, learned Advocate for respondent no. 2, does not dispute that applicant nos. 5 to 10 are residents of Taluka Chikhli, and they reside there. Similarly, he does not dispute that applicant no. 4 is a married sister-in-law of respondent no. 2 and living at her matrimonial house. However, he drew my attention only to paragraphs nos. 9 and 10 of PWDVA No. 43/2025 and submitted that, in those paragraphs, respondent no. 2 has made an averment against applicant nos. 7 to 10. He submitted that respondent no. 2 has rightly filed the application against them, as they had committed domestic violence. However, he fairly admitted that none of the applicant nos. 4 to 10 resided together with respondent no. 2 in a shared household at any time. However, he urged that the application against them be dismissed.

6. I have gone through the application and record. It appears that applicants nos. 5 to 10 are residents of Chikhli Taluka, and applicant no. 4 is a married sister-in-law residing at her matrimonial house. Learned Advocate for respondent no. 2, failed to point out that they were residing in a shared household at any time along with respondent no. 2 in a domestic relationship. Similarly, on perusal of the averments in paragraphs 9 and 10 of PWDVA No. 43/2025, it appears that those allegations are vague and omnibus. Those allegations do not amount to domestic violence as contemplated under Sections 2(g) and 3

of the said Act, and, therefore, prima facie, it does not appear that applicant nos. 4 to 10 have committed domestic violence against respondent no. 2.

7. On the contrary, it appears that respondent no. 2 unnecessarily implicated applicant nos. 4 to 10 in the said proceedings and thereby abused the process of law and therefore, she is liable to impose the costs for harassing them by making omnibus allegations against them in the complaint.

8. Having considered the above, it appears that applicants no. 4 to 10 have made out the case for quashing the proceedings against them by invoking the inherent powers of this Court. At the same time, it cannot be overlooked that respondent no. 2 abused the process of the law by implicating applicant nos. 4 to 10 in the proceedings. In my view, costs need to be imposed on her for the said act.

9. As a result, the Criminal Application is partly allowed. Criminal Application to the extent of applicant nos. 1 to 3 is dismissed as withdrawn. The proceeding bearing PWDVA No. 43/2025, pending before the learned 5th Judicial Magistrate, First Class, Jalna, District Jalna, against applicant nos. 4 to 10 is hereby quashed and set aside. The rule is made partly absolute accordingly.

10. Respondent no. 2 shall deposit the costs of Rs. 10,000/-

(Rupees ten thousand) with the Legal Services Authority, Jalna, within a period of five weeks from today, failing which, her rights to proceed in the matter will be forfeited. Inform this order to the learned JMFC, Jalna.

(ABHAY J. MANTRI, J.)

SPC