



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

**CRIMINAL APPLICATION NO. 3403 OF 2025**

Sau. Vijeta Vijay Tilwankar,  
Age: 40 years, Occu. Household,  
R/o. B-45, Lande No. 3, Gangotri Nagar,  
Pimpale Gurav, Pimpri Chinchwad,  
Pune 411 027.

....Applicant.

Versus

1. Sau. Poonam Nikhil Kale,  
Age: 32 years, Occu. Household and  
Private Service,
2. Kum. Trisha Nikhil Kale,  
Age: 2 years, Minor,  
through her natural guardian mother  
i.e. respondent no. 1.

Both C/o. Shri Navnath Zumbar Pawar,  
R/o. Plot No. 12, Near Dudhsagar Society,  
Mohini Nagar, Kedgaon, Taluka and District  
Ahmednagar.

3. Nikhil s/o. Babasaheb Kale,  
Age: 35 years, Occu. Service,
4. Babasaheb S/o. Keru Kale,  
Age: 64 years, Occu. Business,
5. Asha W/o. Babasaheb Kale,  
Age: 55 years, Occu. Household,

All R/o. Dnyaneshwar Park Road,  
Lane No. 4, Nest to Sai Loriyal Park,  
New Sangvi, Pimpale Gurav, Pimpri  
Chinchwad, Pune 411 027.

....Respondents.

...

Advocate for Applicant : Mr. Jayabhar Shubham Dattatrya  
Advocate for Respondent Nos. 1 & 2 : Mr. Kasar Rajendra Sudam

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**CORAM : ABHAY J. MANTRI, J.**  
**DATE : 06<sup>th</sup> NOVEMBER, 2025**

**ORAL JUDGMENT :**

1. Rule. Rule is made returnable forthwith and heard finally by the consent of the learned Advocates for the respective parties.

2. The applicant/original respondent no. 4 invoke the inherent jurisdiction of this Court to quash the proceedings including MA No. 655/2025, initiated against her under Section 12 of the Protection of Women from the Domestic Violence Act, 2005 (for short '*D.V Act*') and pending before the learned 6<sup>th</sup> Additional Chief Judicial Magistrate, Ahmednagar (for short '*ACJM*').

3. In brief, the facts of the case are as follows :

On 01.07.2025, non-applicant nos. 1 and 2 filed an application under Section 12 of the D.V. Act against the applicant and respondent nos. 3 to 5 for seeking relief under the provisions of the D.V. Act. Being aggrieved by the same, she has preferred this petition.

4. Learned Advocate for the applicant vehemently contended that the applicant is the married sister-in-law of respondent no. 1. Her marriage was performed on 28.02.2007, and she is residing separately at her matrimonial house. Respondent no. 1 got married to respondent

no. 3 on 23.01.2022, and therefore, he argued that the applicant is not in a domestic relationship with respondent No. 1, nor at any point of time has the applicant lived together in a shared household with respondent Nos. 3 to 5, and therefore, Section 12 and other provisions of the D.V. Act are not attracted. As such, he urged quashing the D.V. proceedings against her.

5. It is pertinent to note that the learned Advocate for respondent nos. 1 and 2 does not dispute that the marriage of the applicant was performed in 2007, and she is residing at her matrimonial house. Similarly, Respondent no. 1 got married to Respondent no. 3 on 23.01.2022, i.e., after a period of more than 15 years.

6. Learned Advocate for respondent nos. 1 and 2, contended that the applicant and respondent nos. 3 to 5 were residing together. I asked him a question about when the applicant was living with respondent No. 1. Still, he failed to point out from any document that the applicant was living together with respondent No. 1, nor did he produce any material to support this claim. Merely making the vague averment in the application is not sufficient to conclude that the applicant is also living together in a shared household. Therefore, I do not find substance in his contention when, undisputedly, she is a married sister-in-law and residing at her matrimonial house.

7. Alternatively, he pointed out the addresses of the applicant and respondent nos. 3 to 5 and submitted that the applicant is residing adjacent to the house of the respondent nos. 3 to 5. However, upon perusing the application, it does not appear that the applicant is residing adjacent to the house of the respondent Nos. 3 to 5, but it seems that she is living separately in a different lane at her matrimonial home. Therefore, I do not find substance in his submissions.

8. It is worth noting that nowadays the tendency of the litigants is increasing to unnecessarily implead the parties in the proceedings to harass them or put pressure on them, and, therefore, they intentionally implead the close relatives of the husband in the proceedings. It is clearly apparent in the present proceedings that the applicant is residing separately at her matrimonial home. Despite the above facts, with a view to harassing her, respondent no. 1 has falsely implicated her in the application, vaguely stating that the applicant caused domestic violence against her; therefore, in my view, to prevent such abuse of the process of the law, costs need to be imposed on respondent no. 1 while allowing this application.

9. Thus, on perusal of the original application and record, *prima facie*, it appears that the applicant never lived with respondent nos. 1 and 2 in a shared household from 23.01.2022; therefore, she is

entitled to the remedy as sought. Consequently, I am inclined to invoke the inherent power of this Court.

10. As a result, the application is allowed in terms of clause (C). As a sequel, Criminal M.A. No. 655/2025, filed against the applicant under Section 12 of the D.V. Act, before learned ACJM, is hereby quashed and set aside. Respondent no. 1 is directed to pay costs of Rs. 10,000/- (Rupees Ten Thousand) to the applicant for implicating her unnecessarily in the present proceedings and to invoke the jurisdiction of this court. Inform the order to the learned ACJM.

11. It is made clear that respondent no. 1 is directed to pay the amount of Rs. 10,000/- (Rupees ten thousand) to the applicant within a period of six weeks from today, failing which, learned ACJM shall take cognisance of the same and pass the necessary order or take the steps to get the order complied with. Criminal Application is disposed of. Rule made absolute.

( ABHAY J. MANTRI, J. )