



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 CRIMINAL WRIT PETITION NO. 1773 OF 2024

1. Indubai w/o. Ananda Haujekar
2. Ananda s/o. Piraji Haujekar
3. Dhammashila w/o. Vyankatesh Sherikar
4. Laxmibai w/o. Ratan Dabade

PETITIONERS

VERSUS

1. Vaishali w/o. Babu Dabade
2. Babu s/o. Ratan Dabade

RESPONDENTS

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Mr. Dhananjay A. Mane – Advocate for Petitioner
Mr. I.D. Maniyar – Advocate for Respondents

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 24.11.2025

PER COURT :

1. The petitioners have approached this Court assailing the proceeding bearing P.W.D.V.A. No.41 of 2019 presented by respondent No.1 – wife under Section 12 along with various reliefs claimed under the relevant provisions of the Protection of Women from Domestic Violence Act, 2005 (hereinafter “D.V. Act” for short) before the learned Judicial Magistrate First Class, Nanded.
2. The marriage of respondent No.1 with respondent No.2 was performed on 21.05.2006. As per assertions in the complaint initially the

respondent No.1 was treated well by the husband and present petitioners. Thereafter, the respondent No.1 was subjected to ill-treatment and domestic violence on trivial issues and eventually was driven out of the matrimonial house. Resultantly, the respondent No.1 presented the complaint against these petitioners and husband.

3. It is submitted that the allegations against the present petitioners are sweeping and omnibus in nature. Nonetheless, there is no specific role attributed. Hence, prayed to allow the petition.

4. Learned Counsel for the respondents vehemently opposed the petition, submitting that the petitioners have subjected the respondent No.1 to domestic violence and that there are allegations as against them for participation in subjecting the complainant to such violence. Hence, prayed for rejection of the petition.

5. Having heard the learned Counsel for the petitioners and perused the material on record, all the allegations are leveled against husband, who is not before this Court whereas the allegations against the petitioners are sweeping and omnibus in nature. No specific role has been attributed as against the petitioners and pertinently these petitioners are residing independently. The tendency of implicating in law's in matrimonial disputes, subjecting them to unnecessary hardship vis-a-vis the trials and tribulations of frivolous prosecutions, is gaining ground,

which amounts to a sheer abuse of the process of law.

6. Perusal of the record and the complaint in detail indicates that the allegations are sweeping and omnibus. In absence of specific allegations against present petitioners, the continuance of the proceedings would not be justified. In support of these submissions, heavy reliance is placed on the judgment of Hon'ble Apex Court in ***Geddam Jhansi and Anr. Vs. The State of Telangana and Ors.***, [arising out of Special Leave Petition (Criminal) No.9556 of 2022 and 428 of 2024], particularly paragraphs 29 and 32 are reproduced as under:

29. *As far as the allegation of the complainant of being thrown out of her matrimonial house on 17.10.2020 is concerned, she made the specific allegation only against her husband and she did not attribute any role of the appellants except for making a geneal allegation of harassing her physically and mentally without specifying the actual role of the appellants.*

32. *We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.*

7. The initiation of criminal process is a serious matter with penal consequences involving coercive measures and therefore, it can be permitted only when specific acts constituting offences punishable under the relevant provisions are alleged or attributed to the accused persons. With the same vigour, criminalising domestic disputes without specific allegations and credible material to support the same has disastrous consequences for the institution of family, which is premised on the cord of love, affection, cordiality and mutual trust. The 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 relationships has always been emphasised in our society. As such, when family relationships are sought to be brought within the ambit of criminal proceedings, thereby rupturing the family bond, the Court should be circumspect and judicious and should allow invocation of the criminal process, only when there are specific allegations, supported by material, which clearly constitute the criminal offences alleged.

9. The matrimonial relationships, which are founded on the strength of cordiality and trust, turn sour to the extent of one partner hurling

allegations of domestic violence and harassment against the other, at the spur of the moment. Such acrimonious relationships usually evolve over a period of time and are the culmination of a series of acts that transform an otherwise 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 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. As recorded by this Court that complaint does not specify and specific allegations except sweeping and general assertion as against present petitioners. As such, continuance of proceeding would result into sheer abuse of process of law. Pertinently, the petitioner Nos.3 and 4 are the married sisters of husband of respondent No.1, who are residing with their husband respectively, at their matrimonial house. As such, petitioner Nos.3 and 4 had no occasion to reside in a shared household with respondent No.1 and the same sufficiently establishes the false implication.

11. 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. Thus, in absence of specific allegations, the continuance of proceedings against the petitioners would amount to sheer abuse of process of law.

12. Thus, the record reflects that there are no specific allegations against the present petitioners, as observed hereinabove, and therefore, further proceedings in the Domestic Violence proceedings against them would not be sustainable.

13. In order to achieve the ends of justice, the impugned complaint presented under the Domestic Violence Act deserves to be quashed and set aside. Hence, the following order :

ORDER

- (a) The petition is allowed.
- (b) The proceeding bearing P.W.D.V.A. No.41 of 2019 for the offences punishable under Section 12 with reliefs claimed under Protection of Women from Domestic Violence Act, 2005, pending before the learned Judicial Magistrate First Class, Nanded is quashed and set aside.
- (c) Accordingly, the Criminal Writ Petition is disposed of.

[SACHIN S. DESHMUKH, J.]