



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

CRIMINAL APPLICATION NO. 3777 OF 2025

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| <p>1. Abhishek Sudhir Gaikwad,
Age : 37 Years, Occu : unemployed</p> <p>2. Sudhir Yashwant Gaikwad,
Age : 79 Years, Occu : Retired,
R/o. Matoshree Vriddhashram
Post Padgha, Khandavli,
Tq. Bhiwandi, Dist. Thane</p> <p>3. Sujata Sudhir Gaikwad,
Age : 67 Years, Occu : Retired,
R/o. Both Nos. 1 and 3 are residents
Plot No. 10, Suraj Housing Society,
Sakri Road, Dhule, Tq. & Dist. Dhule.</p> | <p>(Name of Applicant No.1
is deleted vide order
dated 04.10.2025.)</p> |
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- ...APPLICANTS**

Versus

1. Madhuri w/o Abhishek Gaikwad,
Age : 31 Years, Occu : Household,
2. Tanishk Abhishek Gaikwad,
Age : 2 Years, Occu : Nil.
Both R/o. Plot No.9, Prabudh Colony,
Station Road, Amalner,
Tq. Amalner Dist. Jalgaon
Respondent No.2 is represented
Through Respondent No.1

...RESPONDENTS

Mr. Shaikh Tousif Saifuddin, Advocate for the Applicants.

**CORAM : ABHAY J. MANTRI, J.
DATE : NOVEMBER 27, 2025**

ORAL JUDGMENT :

1. The applicants have invoked the inherent jurisdiction of this Court to quash and set aside the proceedings bearing PWDVA No.45 of 2025, filed before the learned Judicial Magistrate First Class, Amalner,

under Sections 12, 17, 18, 19, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "*D.V Act*"), against the applicants for the reliefs claimed therein.

2. Heard learned counsel for the applicants. Perused record.

3. It is pertinent to note that on 04th October 2025, learned counsel for the applicants, on instructions, submitted that applicant No.1 does not wish to proceed with the application and seeks leave to withdraw the application to the extent of applicant No.1. His statement was accepted. In view of the statement, the application stands dismissed as against the applicant No. 1.

4. The learned counsel for the applicants submitted that applicant Nos.2 and 3 have not committed any domestic violence against respondent No.1 and, therefore, the proceedings filed against them are liable to be set aside. He further submitted that, even assuming the allegations in the application against the applicants are as stated, they are vague and omnibus. Even if the allegations are taken at their face value, it cannot be said that applicant Nos. 2 and 3 have committed any act of domestic violence against respondent No.1. Hence, he urged that the application be allowed to the extent of applicant Nos. 2 and 3.

5. It is pertinent to note that despite service of the notice, none appeared for the respondents; therefore, one more opportunity was granted to the parties to appear in the matter. Despite the same, none have

appeared for the respondents. I have perused the application as well as the record.

6. Bare perusal of the application, at the outset, indicates that respondent No.1 has not made any specific allegations against applicant Nos. 2 and 3. The allegations are against applicant No. 1 (husband) only, that he used to doubt her character, which led her to file the application before the learned Magistrate. Even considering the averments in the application as they are, prima facie, there is nothing to suggest that applicant Nos. 2 and 3 have committed any act of domestic violence against respondent No.1. *Moreover*, the learned counsel for the applicants has also taken me through the statement of respondent No.1 recorded before the Bharosa Cell, i.e. Women's Grievance Committee Cell on 07th April 2025, wherein also she has not made any allegations against applicant No.2 and 3 regarding commission of domestic violence against her. The only allegations made are against her husband, applicant No.1. Having considered the same, I find substance in the contention of the learned counsel for the applicants that applicant Nos. 2 and 3 have not committed any act of domestic violence against respondent No.1.

7. Thus, considering the above discussions and perusal of the application, it appears that even if the allegations made therein are taken at their face value and accepted in their entirety, they do not prima facie indicate that applicant Nos.2 and 3 have committed the act of domestic

violence against respondent No.1. In such circumstances, in my view, the continuation of the proceedings against applicant Nos. 2 and 3 before the Trial Court would certainly amount to an abuse of the process of law. Therefore, the same is liable to be quashed.

8. As a result, the application is partly allowed to the extent of applicants Nos. 2 and 3. As a sequel, the proceedings before the learned Judicial Magistrate First Class, Alamner in PWDVA No.45 of 2025 against applicant Nos. 2 and 3 are hereby quashed and set aside.

9. Needless to clarify, the proceedings against applicant No.1 are dismissed as withdrawn.

10. Inform the learned Magistrate accordingly.

(ABHAY J. MANTRI, J.)