



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3009 OF 2025
WITH CRIMINAL APPLICATION NO. 3804 OF 2025

1. Lavkesh Ramchandra Chaudhari,
Age:- 35 years, Occ: Business,
2. Ramchandra Sadashiv Chaudhari,
Age:- 67 years, Occ: Retired,
3. Shobhabai Ramchandra Chaudhari
Age:- 62 years, Occ: Household,

1 to 3 R/o. Dindayal Nagar, Shahada.
Tal. Shahada, Dist. Nandurbar.
4. Mirabai Bharat Chaudhari,
Age:- 44 years, Occ: Household,
R/o. Malgaon. Tal. Malegaon, Dist. Nashik.
5. Dipa Dipak Chaudhari,
Age:- 41 years, Occ: Household,
R/o. Chopda, Tal. Chopda, Dist. Jalgaon
6. Parvati Umesh Chaudhari,
Age:- 39 years, Occ: Household
R/o. Khadkya, Tq. Akrani, Dist. Nandurbar.
R/o. Ankleshwar (Gujarat)

..APPLICANTS

VERSUS

1. State of Maharashtra
2. Sau. Madhuri Lavkesh Chaudhari,
Age:- 36 years, Occu: Household
R/o. Dindayal Nagar, Shahada
Tal. Shahada, Dist. Nandurbar.

..RESPONDENTS

....
Mr. A.J. Nagode, Advocate for applicants
Mr. D.B. Bhangе, A.P.P. for respondent no.1 – State
Mr. K.U. Choudhari, Advocate for respondent no.2

CORAM : ABHAY J. MANTRI, J.
DATE : 07th NOVEMBER, 2025

ORAL JUDGMENT :

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

2. The applicants invoked the inherent jurisdiction of this Court to quash and set aside the proceeding bearing Criminal Miscellaneous Application No. 76 of 2023 filed under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, “*D.V. Act*”) before the learned J.M.F.C., Shahada (for short, the “*Magistrate*”) along with the order dated 23.02.2023 passed therein.

3. The facts leading to the filing of this application are that on 23rd February, 2023, Respondent No.2 – Madhuri had filed an application under Sections 12, 18, 19, 20 and 22 of the D.V. Act before the learned Magistrate for claiming reliefs thereunder. The applicants No. 1 to 3 appeared in the said proceeding. It also appears that Respondent No. 2 had filed an affidavit as a witness on 09th February, 2024. Her cross-examination was concluded on 21st November, 2024. Thereafter, she examined one witness, PW 1 – Manisha, in support of her case, filed an affidavit on 07th April, 2025, and the matter is ongoing. However, during the pendency of the same, the applicants have preferred this application.

4. Learned counsel for the applicants vehemently contended that there are vague allegations against the applicants about committing domestic

violence against Respondent No.2, who has not filed any complaint against them before the police or any authority about causing ill treatment by them. Therefore, the application is liable to be quashed against them. He further submitted that the shared household belongs to Applicant Nos. 2 and 3, and they have not committed any domestic violence against Respondent No. 2; therefore, Applicant Nos. 2 and 3 are also necessary parties to the application. He further submitted that Applicant Nos. 4 to 6 are the married sisters-in-law of Respondent No. 2 and have been residing at their matrimonial houses at Malegaon, Jalgaon, and Gujarat, respectively, since their marriages. Therefore, it cannot be said that they were living in the shared household at any time with the respondent No. 2 to attract the provisions of the D. V. Act against them. As such, he urged that the proceedings against all of them be quashed.

5. On the other hand, learned counsel for the Respondent No.2 strenuously argued that Respondent No.2 has made specific averments in the application about causing domestic violence at the hands of the applicants. He also submitted that the Applicant Nos. 4 to 6 used to interfere in the day-to-day activities of her matrimonial home. They would instigate the Applicant Nos. 2 to 3 to commit domestic violence against Respondent No.2, and therefore, they are added as parties to the proceeding. He further argued that the original applicant, i.e. Respondent No.2, has already adduced her evidence. The same was completed, and she also examined one witness, PW

1 – Manisha, in support of her case. However, the applicants, who are trying to prolong the matter by playing tactics, submitted that the proceeding is at the flag end and hence, no interference is required in the application in the inherent jurisdiction of this Court. He, therefore, urged the dismissal of the proceeding.

6. It is pertinent to note that learned counsel for both parties do not dispute that the marriage of Respondent No.2 was performed with Applicant No.1 on 25th June, 2020. The Applicant Nos. 4 to 6 are the married sisters-in-law of Respondent No.2. Their marriages were performed prior to the marriage of Respondent No.2 with Applicant No.1, and they are residing at their respective matrimonial houses. Furthermore, learned counsel for the Respondent No.2 does not dispute that the Applicant Nos. 4 to 6 have not lived in the shared household with the respondent No.2 at any time. Similarly, learned counsel for the applicants does not dispute that Applicant Nos. 1 to 3 and Respondent No.2 were residing in the shared household at a particular time, but his only contention is that the said house belongs to Applicant No.2 and, as such, Applicant Nos. 2 and 3 are not necessary parties to the application.

7. Perused the original application. Prima facie, it appears that in paragraphs nos. 3, 4 and 5, Respondent No.2 has made specific allegations against Applicant Nos. 1 to 3 about causing domestic violence against her. Moreover, it is not disputed that Applicant Nos. 1 to 3 and Respondent No.2

were residing in the shared household for some time. Therefore, I do not find substance in the contentions of learned counsel for the applicants that no case is made out against Applicant Nos. 1 to 3 as the shared household belongs to Applicant No. 2. However, on perusal of definitions under Section 2 of the D.V. Act, viz. an aggrieved person, domestic relationship, domestic violence and shared household, prima facie the averments about the causing domestic violence appears in the application against the Applicant Nos. 1 to 3. Therefore, I do not find substance in his contention to quash the proceedings against them.

8. However, it appears that undisputedly the Applicant Nos. 4 to 6 are the married sisters-in-law of Respondent No.2 and their marriages were performed prior to the marriage of Respondent No.2 with Applicant No.1. Also, learned counsel for the respondents does not dispute that Applicant Nos. 4 to 6 are residing at their respective matrimonial houses. Therefore, merely making the vague and omnibus allegations that they were interfering and instigating Applicant Nos. 1 to 3 is not sufficient to implead them as parties in the proceeding under the provisions of D.V. Act, when they were not residing in a shared house with the respondent No.2 at any time. Moreover, the tendency to implicate the husband's relatives is also not uncommon, to harass them and put pressure on the husband and in-laws.

9. Apart from this, it seems that Respondent No.2 filed the application before the Magistrate on 23rd February, 2023, and she examined

herself as a witness on 09th February, 2024 and her evidence was completed on 21st November, 2024. Similarly, she filed an affidavit of evidence of one witness, PW 1 - Manisha, in support of her case on 07th April, 2025. However, thereafter, on 17th July, 2025, the applicants filed this application.

10. In view of the above discussion and on perusal of the application, prima facie, it reveals that the respondent No. 2 made averments about the commission of the domestic violence against Applicant Nos. 1 to 3. However, prima facie, no specific averments appear against Applicant Nos. 4 to 6 to show that they have committed domestic violence against Respondent No.2. In view of the same, I do not find substance in the contention of learned counsel for the applicants that Applicant Nos. 1 to 3 have made out the case to quash the proceeding. However, the Applicant Nos. 4 to 6 have made out a case for quashing the proceedings against them.

11. Consequently, in my view, no case is made out to cause interference to quash the proceeding against Applicant Nos. 1 to 3. However, Applicant Nos. 4 to 6 have made out a case for interference by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

12. As a result, the criminal application is partly allowed. Criminal application, to the extent of Applicant Nos. 1 to 3, is rejected. However, the application of Applicant Nos. 4 to 6 is allowed, and the proceedings against them are hereby quashed and set aside.

13. Needless to clarify that Applicant No.1 is liable to deposit the entire arrears of the interim maintenance amount awarded by the learned Magistrate by order dated 08th September, 2023, before the learned Magistrate within eight weeks from today, failing which the applicant's right to proceed with the application shall stand forfeited. In view of the same, the criminal application is disposed of. As per the request of both parties, the learned Magistrate is to expedite the proceedings at the earliest.

14. In view of the disposal of Criminal Application No. 3009 of 2025, nothing survives in Criminal Application No. 3804 of 2025. The same stands disposed of accordingly.

(ABHAY J. MANTRI, J.)

SSD