



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

CRIMINAL APPLICATION NO. 3826 OF 2023

1. Rajendra S/o. Gundappa Birajdar (Father-in-law)
Age: 55 years, Occu. Agri.,
2. Ujwala w/o. Rajendra Birajdar (Mother-in-law)
Age 50 years, Occu. Agri. & Household,
3. Anil s/o Gundappa Birajdar (Uncle of Husband)
Age 57 years; Occu. Service,
4. Laxmi w/o. Anil Birajdar (Aunt of Husband)
Age 49 years; Occu. Household,
5. Gundappa S/o Madhav Birajdar (Grandfather-in-law)
Age 82 years, Occu. Nil,
6. Kamalbai w/o. Gundappa Birajdar (Grandmother-in-law)
Age 72 years, Occu. Nil,
Applicants No.1 to 6 R/o. Killari,
Taluka Ausa, District Latur
7. Harshada d/o Rajendra Birajdar (Sister-in-law)
Age 27 years, Occu. Service,
8. Prayas s/o. Viranna Patil (Husband of sister-in-law)
Age 35 years, Occu. Service
Applicants No.7 and 8 R/o. Barshi Toll,
Mamadge Colony, Mandade, Latur .. Applicants

Versus

Supriya w/o. Chetan Birajdar @
Supriya d/o. Bharat Chinchansure,
Age 35 years, Occu. Service,
R/o. H.M. Chinchansure Galli,
Kasarshirshi, Taluka Nilanga, District Latur .. Respondent

Mr. Amit A. Yadkikar, Advocate for Applicants

CORAM : KISHORE C. SANT, J.

DATE : 21-07-2025

PER COURT:-

1. Heard the learned counsel for the applicants.
2. On the last occasion, this Court had passed order that even if none appears for the respondent, this Court would proceed with the matter on merits with the assistance of the learned counsel for the applicants, still none appears for the respondent.
3. The applicants have approached this Court seeking quashing of the proceeding of P.W.D.V. Application initiated at the instance of sole respondent which is pending in the Court of the Learned Judicial Magistrate First Class, Nilanga, District Latur, bearing Criminal Miscellaneous Application (PWDVA) No.23 of 2023.
4. Applicants No.1 and 2 are mother and father, applicants No.3 and 4 are uncle and aunt, applicants No.5 and 6 grandfather and grandmother, applicant No.7 is sister of the husband of the respondent and applicant No.8 is the husband of applicant No.7.
5. Respondent has filed a proceeding with the allegations that after marriage, there was demand of amount at the instance of in-laws. On non-fulfillment of demand, there was harassment to her at the hands of husband and present applicants. She filed a complaint on 21.06.2023 with allegations that after the marriage, there was a demand of amount and on non-fulfillment of demand, the applicants were harassing and taunting her. They did not allow her to share room with the husband. She was even assaulted on

the ground that she could not cook properly. There was the demand by present applicants No.1 and 5 to bring amount of Rs.5 Lakh from her father for starting business. On that count again, she was illtreated and harassed. She was not given gold ornaments for wearing. She was not allowed to speak on mobile phone with her father.

6. Learned Judicial Magistrate issued process. The applicants have already appeared in the proceeding.

7. Learned counsel for the applicants vehemently submits that on the very same allegations, the respondent had filed a complaint under Section 498A and other sections of the Indian Penal Code. The said proceeding of Regular Criminal Case No.455 of 2023 was quashed by the judgment and order dated 27.03.2025. He submits that the marriage took place on 12.11.2021. Thereafter, the wife left for U.S.A. on 10.04.2022. Thus, the wife stayed together for about four to five months. Since thereafter, she was in United States of America (U.S.A.). Only for a brief period, she had come to India. Thus, the respondent cannot be said to be in domestic relation. Applicants No.1 and 2 are the parents of the husband and other relatives are his only distinct relatives. The complaint deserves to be dismissed on these grounds as well. The allegations are omnibus. The complaint was filed on 21.06.2023 which was registered on 11.08.2023. The respondent immediately thereafter went to U.S.A. and filed a complaint on 23.07.2023, in

U.S.A. where again some orders were passed. He submits that when she is in U.S.A., she would not be able to prosecute the applicants in India and it would be an abuse of process of law.

8. This Court has gone through the allegations in the complaint.

9. Most of the allegations are general in nature and not specific against any of the applicants. After the marriage, she went to U.S.A. along with husband and came back in September 2022 for Diwali vacation and thereafter, she stayed most of the time with her parents. She again went to U.S.A. on 20.01.2023 and started residing with her husband. Some instances of U.S.A. are quoted. This Court finds that thus she hardly stayed with present applicants No.2 and 3. From the averments itself it is clearly seen that most of the time she was residing in U.S.A. with husband. She had also filed proceedings under Section 498A of the I.P.C. against present applicants No.1, 2, 5, 6 and 7, where other applicants No.3, 4 and 8 were not made parties. So these applicants who appeared in the proceeding under Section 498A of I.P.C. had approached by filing Criminal Application No.2282 of 2023. There also, the respondent remained absent. The Court therefore, on hearing the petitioners therein, was pleased to quash the proceedings under Section 498A of the IPC.

10. Even in this present application none is present. The present application clearly shows that the respondent is not

interested in defending the proceeding before this Court. An inference also, therefore, can be drawn that the complaints are filed only to harass the applicants and the in-laws. In paragraph No.7, there are some allegations against the present applicants. Looking at the contents and conduct of the respondent, it appears that those allegations are made only to attract of provision of D.V. Act. The continuation of said proceeding before the trial court would certainly be an abuse of process of law.

11. For the above reasons, this Court is inclined to allow the application.

12. Criminal application is allowed in terms of prayer clause 'B'.

13. The impugned P.W.D.V. Application bearing Criminal Miscellaneous Application (PWDVA) No.23 of 2023 pending before the learned Judicial Magistrate First Class, Nilanga, District Latur, stands quashed and set aside.

[KISHORE C. SANT]
JUDGE

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