



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

CRIMINAL APPLICATION NO. 4322 OF 2023

1. Akshay s/o Vinayak Pawar, (Husband)
Age : 30 years, Occu. : Nil,
R/o. Flat No. 13 E/2 Apartment,
Vision City Kanchanwadi, Aurangabad.
 2. Vinayak s/o Nivruti Pawar, (Father-in-law)
Age : 62 years, Occu. : Service,
R/o. Flat No. 13, 1/2 Apartment,
Vision City Kanchanwadi, Aurangabad.
 3. Mangal w/o Vinayak Pawar, (Mother-in-law)
Age : 50 years, Occu. : household,
R/o. As above.
 4. Pritam s/o Vinayak Pawar, (Brother-in-law)
Age : 26 years, Occu. : P. Service,
R/o. 1504, H2, Godrej Elements, Phase-1,
Hinjewadi, Pune 411057.
 5. Murlidhar s/o Maroti Asabe, (Father of mother-in-law)
Age : 78 years, Occu. : Nil,
R/o. At post Warapgaon,
Tq. Ambajogai, Dist. Beed.
 6. Gangubai w/o Murlidhar Asabe, (Mother of mother-in-law)
Age : 73 years, Occu. : Nil,
R/o. At post Warapgaon,
Tq. Ambajogai, Dist. Beed.
- .. Applicants**

Versus

Puja w/o Akshay Pawar,
Age : 27 years, Occu. : Household,
R/o. At post Tandulwadi,
Tq. Kallam, Dist. Osmanabad.

.. Respondent

Mr. Ganesh J. Kore, Advocate for the Applicants.
Mr. V. D. Salunke, Advocate for sole Respondent.

CORAM : KISHORE C. SANT, J.

Date on which reserved for order : 22nd July, 2025.

Date on which order pronounced : 04th September, 2025.

FINAL ORDER :-

. This application is for quashing of the complaint filed under the Protection of Women from Domestic Violence Act (for short “D.V. Act”) by the respondent against the present applicants bearing PWDVA Application No. 13/2023 pending in the Court at Kallam, District Osmanabad. The applicant No. 1 is the husband of respondent, applicant Nos. 2 and 3 are father in law and mother in law respectively, applicant No. 4 is brother in law, applicant Nos. 5 is father of mother in law and applicant No. 6 is mother of mother in law of the respondent.

2. The facts in short giving rise to the application are as under :

3. The respondent married to applicant No. 1 on 06.01.2021. It is alleged that, in the marriage dowry of Rs. 7,00,000/- (Rs. Seven Lakhs only) and gold of Rs. 15,00,000/- (Rs. Fifteen Lakhs only) was given. An amount was also spent on the marriage. Further

allegation shows that there was demand of further amount of Rs. 6,00,000/- (Rs. Six Lakhs only). On such demand she was assaulted by the husband. All others abused the respondent. Further allegation shows that, on 12.02.2022 she was driven out of the home. With these allegations the respondent initially filed a complaint in police station Kallam, District Osmanabad bearing FIR No. 0423/2022 for the offences punishable under Sections 498-A, 323, 504, 506 r/w Section 34 of the Indian Penal Code (for short "I.P.C."). The respondent thereafter filed proceeding under the D.V. Act. The allegations which are made in complaint under Section 498-A of the I.P.C. are also made in this application. Particulars were given about transfer of the amount to the account of husband by the parents of the respondent. The applicants have approached this Court for quashing of the proceeding under the D.V. Act.

4. The learned advocate Mr. Kore for the applicants vehemently argued that, there is already a divorce that took place between the parties. The husband had filed petition on 23.06.2022 for divorce and since thereafter the respondent is not residing with the husband and in laws. The respondent has changed some

allegations and levelled new allegations which were not there in the complaint under Section 498-A of the I.P.C. There are no averments against the applicants except husband. He submits that the complaint filed under Section 498-A of the I.P.C. is already quashed by the Division Bench of this Court in Criminal Application No. 4031/2022 where the very same allegations were made by the wife. The proceeding deserves to be quashed and set aside.

5. The learned advocate Mr. Salunke for respondent vehemently argued that, proceedings under Section 498-A of the I.P.C. and under the D.V. Act, these are two different proceedings. There are specific allegations made in the complaint about the husband and brother in law. In a reply he submits that the trial is required to go into allegations. There is material to show that the amount is transferred to the account of the husband. The applicants have taken contradictory stand. He invites attention to the annexures annexed to his reply. He thus submits that the application deserves to be dismissed.

6. This Court has gone through the application and the reply.

This Court has also gone through the application under the D.V. Act. On going through the application it is seen that there are some allegations against the husband with sufficient details attracting the provisions of the D.V. Act. If those allegations are taken as it is, this certainly would be sufficient requiring a trial. This Court thus finds that, against husband there is certainly a case made out to continue the proceedings. So far as other relatives are concerned, this Court finds that the respondent has added even the parents of mother-in-law who are quite age old persons. They are not staying together. There are no sufficient averments to show that father-in-law and brother-in-law are staying in domestic relationship with the respondent. Taking the allegations as it is also this Court finds that, no case is made out to proceed against other applicants. This Court has seen the judgment in Criminal Application No. 4031/2022. From the judgment it is clearly seen that the very same allegations were made by the respondent in the complaint under Section 498-A of the I.P.C. Considering that case, this Court was convinced. The Division Bench of this Court quashed the proceeding under Section 498-A of the I.P.C. recording that there is no much

substance in the allegations. There the proceeding is quashed even against the husband.

7. This Court finds some substance in the submission of learned advocate Mr. Salunke for the respondent that in the proceedings under the D.V. Act, the evidence required is not of the quality as accepted in complaint under Section 498-A of the I.P.C. The purpose of both the enactments is different. Though the allegation may not be sufficient to try the accused for the offence under Section 498-A of the I.P.C., however, the same would be sufficient to proceed under the provisions of the D.V. Act. This Court, therefore, finds that the proceeding against the husband cannot be said to be an abuse of process of law. So far as applicant Nos. 2 to 6 are concerned, this Court finds that, certainly continuance of proceeding against these applicants would be an abuse of process of law. Hence, the following order :

ORDER

- (i) Criminal application stands partly allowed.
- (ii) The proceeding of PWDVA No. 13/2023 pending in the Court of learned Judicial Magistrate First Class, Kallam, is hereby quashed and set aside to the extent of applicant Nos. 2 to 6. The

proceeding to continue to the extent of husband i.e. applicant No. 1.

(iii) Considering that the proceeding is of 2023, the learned Trial Judge is requested to dispose of the proceeding as early as possible and preferably within one year from today.

(iv) With this, criminal application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.