



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1104 OF 2025

RADHABAI ROHIDAS TEKALE AND OTHERS
VERSUS
MANISHA RAJESH TEKALE

Advocate for Applicants : Mr. S. B. Choudhari
None for Respondent

CORAM : SACHIN S. DESHMUKH, J.

Date : September 11, 2025

ORDER :-

1. The applicants have approached this Court seeking quashing of the complaint bearing Criminal Misc. Application No. 949 of 2019 presented by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter "Domestic Violence Act" for short), the complaint is pending before the learned 5th Judicial Magistrate First Class, Beed.

2. The assertion raised in the complaint that the marriage between respondent and son of applicants No. 1 and 2 was solemnized on 06.05.2006 as per the customary rites and traditions. The further assertion is that apart from the husband, the family members including the married sister have also been

involved in acts of domestic violence. Consequently, the husband raised dispute on account of trivial issues and eventually abandoned interaction with the complainant. Thereafter, the complainant was driven out of the matrimonial house alongwith the minor daughters. While filing complaint, the sweeping allegations have been levelled against the in-laws, including the married sister. Raising an exception to the complaint presented by respondent, present proceeding has been filed under Section 528 of the BNSS.

3. The learned counsel for the applicants submits that the filing of the complaint against the present applicants is nothing but a sheer abuse of process of law. These applicants are the parents and the married sister of the complainant's husband. The learned counsel for the applicants also submits that the allegations made in the complaint against these applicants are sweeping in nature. In the light of the sweeping allegations without attributing any specific role, only in order to implicate these applicants in a false and frivolous proceedings, the complaint is filed.

4. The learned counsel for the applicants further submits that the son of applicant Nos. 1 and 2 i.e. the husband of respondent had instituted H.M.P. No. 185 of 2018 for dissolution of marriage under Section 13(1)(b) of the Hindu Marriage Act. The

said petition was subsequently decreed. It is submitted that the present complaint is a manifest counter-blast, instituted by the respondent solely to retaliate against the successful conclusion of the matrimonial proceedings. Therefore, prayed to quash the complaint against the applicants.

5. This Court, by its order dated 26.03.2025, issued notice to respondent. Although the respondent is served, however, none appeared. As such, the matter is taken for final hearing.

6. Having heard the learned counsel for applicant and perusal of material on record, the fact remains that the applicants herein are the parents and married sister and her husband of complainant's husband. Except the sweeping and omnibus allegations in the complaint, no specific role is attributed as against these applicants. The tendency is gaining ground in matrimonial disputes to implicate the married sisters with a view to subject the married sisters to unnecessary hardship vis-a-vis trials and tribulations of frivolous prosecutions, which is nothing but sheer abuse of process of law.

7. Thus, it is evident that the initiation of criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which

constitute offences punishable under the relevant provisions. With same vigour, criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. 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, the preservation of family relationship has always been emphasised in our society. As such, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, Court should be circumspect and judicious, and should allow invocation of criminal process only when there are specific allegations with supporting materials on record which clearly constitute criminal offences alleged.

9. The matrimonial relations that fundamentally based on the cordiality and trust, turn sour to an extent to make a partner hurl allegations of domestic violence and harassment against the

other partner, would normally not happen at the spur of the moment and such acrimonious relationship would develop only in due course of time. Accordingly, such a circumstances are often the culmination of a series of acts that turns, an otherwise amicable relationship, into a fractured one. In cases involving allegations of domestic violence or harassment, there would typically a series of offending acts, which would require to clearly spelled out by the complainant against the perpetrators in specific terms to rope such alleged perpetrators in the criminal proceedings sought to be initiated.

10. Thus, mere general allegations of harassment, without attributing the specific role against the present applicants would not suffice to initiate the proceedings and subject them to the trial and tribulations of a false case.

11. Apart from the aforesaid aspect, the present proceeding is nothing but a retaliatory measure. The son of applicants No. 1 and 2 i.e. the husband of respondent had already secured a divorce decree in H.M.P. No. 185 of 2018 on grounds of desertion. The chronology of events leads to an irresistible inference that the respondent has concocted this complaint as a vexatious tool of harassment specifically targeting the elderly applicants.

12. Resultantly, I am of the considered view that in cases relating to domestic violence, the complaint and the allegations therein must be specific against each and every member of the family having accusation of such offences and are sought to be prosecuted. Thus, the continuance of proceedings against these applicants by discriminately dragging these married sisters into the proceedings would amount to sheer abuse of process of law. In order to achieve the ends of justice, the impugned complaint presented under the Domestic Violence Act deserves to be quashed and set aside as against the applicants No. 1 to 4.

13. Accordingly, the application stands **allowed** in terms of prayer Clause (B) to the extent of applicants No. 1 to 4. The impugned complaint i.e. Criminal Misc. Application No. 949 of 2019, pending before the 5th Judicial Magistrate First Class, Beed, is hereby quashed and set aside to the extent of the applicants No. 1 to 4. No order as to costs.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi