

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3233 OF 2024

Bapu Ningu Gadulkar And Ors. Petitioners

Versus

Sadhana Ramesh Gadulkar And Anr. Respondents

Ms. Bhagyashree Ranade a/w Mr. Shravan H. Sul, Advocate for the Petitioners.

Mr. Anand S. Patil, Advocate for the Respondent No.1.

Mr. P. P. Deokar, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th NOVEMBER, 2025.

P.C. :

1. Heard learned counsel for the Petitioners, learned counsel for Respondent No.1 and learned APP for the Respondent - State.
2. Learned counsel for the Petitioners, on instructions, seeks leave to withdraw the petition on behalf of the Petitioner Nos.1 and 2.
3. Considering her submissions, the petition is dismissed against Petitioner Nos.1 and 2.
4. Petitioner to carry out amendment forthwith.

Later On:

5. By this petition, the Petitioner is seeking to quash and set aside the DV proceeding No.20 of 2020 pending before the Judicial Magistrate First Class, Gadhinglaj (for short, “JMFC”) against the Petitioner No.3 i.e. Vishal Gadulkar.

6. It is contention of learned counsel for the Petitioners that the Petitioner No.3 stays at Mumbai since ten years. He had no domestic relationship with the Respondent No.1. The allegations in DV Proceeding against the Petitioner No.3 are that he was instigating the opponents in DV proceeding. On his instigation, the Respondent No.1 was physically and mentally harassed by rest of the opponents. Learned counsel further submitted that Petitioner was not staying with Respondent No.1 and her husband. There are no allegations against him that he never directly harassed her. Hence requested to quash and set aside the DV proceeding against him.

7. It is contention of learned counsel for Respondent No.1 that the Petitioner No.3 is the main culprit for physical and mental harassment of the Respondent No.1. He used to instigate to other opponents to harass the Respondent No.1. On his say only, the Respondent No.1 was harassed by the other opponents. There are

specific allegations against the Petitioner No.3. Hence requested to dismiss the writ petition.

8. I have heard both learned counsel, perused the documents produced on record.

9. It appears from the application filed by the Respondent No.1 before the Judicial Magistrate First Class, Gadhinglaj that the Petitioner No.3 was instigating other opponents against the Respondent No.1 and they would harass to the Respondent No.1 mentally and physically, but there are no allegations of direct harassment by the Petitioner No.3 to Respondent No.1. Considering these facts, I pass following order:

ORDER

- i. Petition is allowed.
 - ii. The DV Proceeding No.20 of 2020 pending before the learned Judicial Magistrate First Class, Gadhinglaj is quashed and set aside against the Petitioner No.3 only.
10. In view of the aforesaid terms, the petition is allowed and accordingly disposed off.

(SHIVKUMAR DIGE, J.)