

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4915 OF 2024**

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Ajay Abasaheb Borade And Ors

...Petitioners

Versus

State Of Maharashtra And Anr.

...Respondents

Mr. Vijay R. Garad, Advocate for the Petitioners.

Mr. Anand Subhash Shalgaonkar, APP, for the Respondent – State.

Mr. Paras Yadav, Advocate for Respondent No. 2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th DECEMBER, 2025

P.C.

1. Heard learned counsel for the Petitioners, learned APP for the Respondent State and learned counsel for Respondent No. 2.
2. Learned counsel for the Petitioners, on instructions seeks leave to withdraw the Writ Petition for Petitioner No. 1 to 3.
3. Considering the submission of learned counsel for the Petitioners, the Petition is allowed to be withdrawn for Petitioner Nos. 1 to 3.
4. It is contention of learned counsel for the Petitioners that the Respondent No. 2 has filed complaint under the provisions of

Domestic Violence Act, 2005 against the Petitioners. The Petitioners are the sister-in-law of Respondent No. 2. They got married before the marriage of Respondent No. 2 and staying with their respective husbands at their matrimonial homes since their marriage. They never harass the respondent no. 2 mentally and physically, but they being sister-in-law of the Respondent No. 2, they have been roped in the present proceeding. The Petitioners have no concern with the matrimonial dispute between the Respondent No. 2 and her husband and in-laws. They cannot be forced to face the proceeding under the Domestic Violence Act, 2005 and requested to allow the Petition.

5. It is contention of learned counsel for Respondent No. 2 that there are specific allegations against the Petitioners in the complaint. They were instigating the husband of Respondent No. 2 and in-laws to harass the Respondent No.2, mentally and physically, so proceeding against them cannot be quashed and set aside. It will be the part of evidence to prove the complaint filed by Respondent No. 2 against the Petitioners. At the threshold, Petitioners cannot be exonerated from the proceeding filed by Respondent No.2 and requested to dismiss the Petition.

6. I have heard all the learned counsel. Perused the documents produced on record.

7. Though there are allegations against the Petitioner Rajashri Kakade about instigation, there are no direct allegations of mental and physical harassment against Petitioner Nos. 4 to 6. The Petitioner Nos. 4 to 6 are married sister-in-law of Respondent No. 2. They got married before the marriage of Respondent No. 2. They are staying at their matrimonial homes with their respective husband. Considering these facts, I pass following order :

ORDER

- I. The Writ Petition is partly allowed.
 - II. The impugned Domestic Violence Act proceeding bearing PWDVA Application No. 64 of 2024 pending on file of Learned Judicial Magistrate First Class, Malshiras, Dist-Solapur against the Petitioner Nos. 4 to 6, is quashed and set aside.
8. Writ Petition is disposed off.

(SHIVKUMAR DIGE, J.)