

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3810 OF 2025

Debra Dennis Furtado & Anr.

...Petitioners

Versus

Roshani Cheryl Britto & Anr.

...Respondents

Mr. Faizaan Qureshi, for the Petitioners.

Ms. P. N. Dabholkar, APP for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 19 SEPTEMBER 2025

P.C.:

1. Heard Mr. Faizaan Qureshi, learned Counsel appearing for the Petitioners and Ms. Dabholkar, learned APP for the Respondent-State of Maharashtra.
2. By the present Criminal Writ Petition challenge is to the Order issuing summons and entire proceedings of the Domestic Violence Case No.131 of 2024 pending in the Court of the learned Judicial Magistrate First Class at Bandra, Mumbai.
3. It is the main submission of Mr. Qureshi, learned Counsel for the Petitioners that Respondent No.1, without any right, title and interest has entered the Flat No.6, 1st Floor, Carmel Co-operative Housing Society Ltd., St. John Baptist Road, Bandra, Mumbai - 400 050 and thereafter filed the DV proceedings. Therefore, the DV proceedings be quashed and set aside.

4. Perusal of the record shows that one Mr. Heston Nicholas D'Silva was the husband of Respondent No.1 and he passed away on 18th March 2024. Said Heston and the Respondent No.1 has a male child who is about 14 years old. The contentions raised in the DV proceedings show that Respondent No.1 was staying in the said flat since her marriage i.e. 24th March 2007 and the Respondent No.1 stayed in the said flat along with the husband - Heston and the son and after the death of said Heston, the Petitioners i.e. sister-in-law of the Respondent No.1 and her husband have started obstructing the Respondent No.1. Therefore, in effect, it is the contention raised in the DV proceedings that the said flat is a share household of the Respondent No.1 and therefore the proceedings are filed. There are several other contentions raised in the DV proceedings including that after the death of deceased Heston on 18th March 2024 immediately huge amounts are transferred by the Petitioner No.1 from the account of the deceased to her own account in the following manner :

“20 th March 2024	:	INR 9,95,000/-
21 st March 2024	:	INR 20,00,000/-
22 nd March 2024	:	INR 20,00,000/-
25 th March 2024	:	INR 17,00,000/-”

5. The allegations in the DV case are very serious. Thus, no case is made out for quashing of the DV proceedings as none of the parameters as set out in the decision of *State of Haryana v. Bhajan Lal*¹ will apply.

1 1992 Supp (1) SCC 335

6. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]