

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5628 OF 2025**

Chiranjiv Umashankar Srivastav ..Petitioner

Versus

Pooja Chiranjiv Srivastav & Anr ...Respondents

Mr. S.N. Chandane, for the Petitioner.

Mr. P. P. Malshe, APP, for Respondent No.2-State.

CORAM: N. J. JAMADAR, J.

DATE : 10th NOVEMBER 2025

ORDER:

1. Heard the learned Counsel for the Petitioner.
2. By this Petition under Articles 226 and 227 of the Constitution of India, the Petitioner seeks to quash the proceeding being D.V. Case No. PWDVA Appln/162/2024 filed by the Respondent No.1 under the provisions of Section 12 of the Protection of Women from Domestic Violence Act, 20025 (“the DV Act”), for various reliefs.
3. Mr. Chandane, the learned Counsel for the Petitioner, submitted that the Respondent No.1 has solemnized the marriage with the Petitioner suppressing the factum of her prior marriage. It was later on revealed that, the marriage between the Respondent No.1 and her husband was not dissolved by a decree of divorce but under a Deed of

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Divorce, which has no legal sanctity. The Respondent No.1 has lodged a false report against the Petitioner for the offences punishable under Section 498-A, 420, 406, 504 and 506 of the Indian Penal Code, 1860 (“the Code”) and also filed a false complaint being D.V. Case No. PWDVA Appln/162/2024 to wreak vengeance. Therefore, the proceeding under the DV Act, being an abuse of process of Court, deserves to be quashed and set aside.

4. I have perused the material on record. It appears that the marriage between the Petitioner and the Respondent No.1 was solemnized on 18th July 2019. The marriage between the Respondent No.1 and her former husband was allegedly dissolved by Deed of Divorce, on 4th June 2018. In any event, a valid marriage is not a prerequisite for a complaint under the DV Act. “Relationship in the nature of marriage” is enough to form “domestic relationship”. In the case at hand the material on record *prima facie* indicates that, the marriage between the Petitioner and the Respondent No.1 was solemnized and registered. The allegations in the complaint under Section 12 of the DV Act make out a *prima facie* case of physical, emotional and economic abuse of the Respondent No.1.

5. The submission of Mr. Chandane that, the allegations in the complaint are false is a matter for adjudication in the said complaint

before the Magistrate. *Prima facie* there is sufficient material to proceed against the Petitioner for the reliefs under the DV Act 2005.

6. In the aforesaid view of the matter, this Court does not find any justifiable reason to entertain the instant Petition.
7. Resultantly, the Petition stands dismissed.

[N. J. JAMADAR, J.]