

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 988 OF 2025

Piyush Ravindra Narkhade & Anr ..Applicants

Versus

The State of Maharashtra & Anr ...Respondents

Adv. Meghna A. Gowalani, for the Applicants.

Mr. S.S. Ghag, APP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATED : 23rd SEPTEMBER 2025

ORDER:

1. The Applicants have preferred this Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the Complaint No. 22 of 2023 filed by the Respondent No.2 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (“the DV Act”) seeking the reliefs under Sections 18, 19, 20, 22 and 23 of the DV Act.

2. The marriage of the Respondent No.2-complainant was solemnized with the Applicant No.1 on 15th February 2021. The Applicant No.2 is the mother of the Applicant No.1.

3. In the wake of marital discord, the Respondent No.2 initially lodged a complaint with Ramnagar Police Station, Dombivali, alleging

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physical and mental cruelty and acts of domestic violence. Eventually a report came to be lodged for the offences punishable under Section 498-A and 504 of the Indian Penal Code, 1860 against the Applicants.

4. The Respondent No.2 has also filed the complainant under Section 12 of the DV Act, alleging acts and omissions on the part of the Applicants which constitutes physical abuse, economic abuse, verbal and emotional abuse of the Respondent No.2.

5. The learned Magistrate, Kalyan by an interim order dated 12th February 2024, has directed the Applicant No.1 to pay EMI of Rs.9,434/- p.m. to Respondent No.2, in respect of Flat No. A-80, Shrikrushna Plaza, Cholegaon, Thakurli East – 421 201, till the full repayment of the loan amount. The Applicant No.1 has also been restrained from selling, transferring or otherwise creating third party interest in the said flat without the leave of the Court.

6. Ms. Gowalani, the leaned Counsel for the Applicants, submitted that the allegations in the Complaint are general and vague. The Respondent No.2 lodged the Complaint after the Applicant No.1 relocated to United States of America. Post marriage, the Respondent No.2 has resided with the Applicant No.2 for a very short period. No specific acts or omissions which amount to domestic violence are attributed to the Applicant No.2. She has been roped in to wreak vengeance.

7. I have perused the allegations in the Complaint. I find it rather difficult to accede to the submissions of Ms. Gowalani that the allegations in the Complaint are vague and omnibus. In the complaint, the Respondent No.2 has made specific allegations of physical, mental and verbal abuse and the manner in which the Respondent No.2 was subjected to economic abuse by making her to be a co-borrower. Allegations are also made of subjecting the Respondent No.2 to cruelty in order to coerce her to bring money from her parents. In paragraphs 3 to 6 and 8 to 11 of the Complaint, the Respondent No.2 has made specific allegations of domestic violence.

8. The allegations against the Applicants are required to be appreciated in the light of the fact that in the wake of marital discord, the Respondent No.2 has lodged a report leading to registration of crime against the Applicants for the offences punishable under Section 498-A and 504 of the Indian Penal Code.

9. The veracity of the allegations is a matter for trial. At this stage, from the perusal of the allegations in the complaint, an inference cannot be drawn that the said Complaint constitutes an abuse of process of Court or the quashing of the said Complaint would secure the ends of justice.

10. Hence the following order:

: O R D E R :

Application stands dismissed.

[N. J. JAMADAR, J.]