



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1358 OF 2025**

Abhishek Jagdish Masurkar and Anr. ... Applicants
versus
The State of Maharashtra and Anr. ... Respondents

Mr. Shreyansh R. Mithare with Ms. Anjali A. Nimbkar, Mr. Avinash S. Kori for Applicants.
Mr. K.C.Shinde, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 28 NOVEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. This application is filed to quash and set aside a complaint bearing No.303 of 2025 filed under Sections 12, 18(a), (b), (e), (f), (g), 19, 20, 22 and 23 of the Protection of women from Domestic Violence Act, 2005 (the Act of 2005).
3. Learned Counsel for the applicants submitted that the initiation of the proceedings under Section 12 of the Act, 2005, in the facts of the case, constitutes an abuse of the process of the Court. Respondent No.2 – complainant before the learned Magistrate, has resided at her matrimonial home for barely a month of her marriage with the Applicant No.1. As the Applicant No.1 has instituted a Petition for dissolution of marriage, Respondent No.2 has filed an application to wreak vengeance. An

endeavour was made to draw home a point that the allegations in the complaint and the documents annexed thereto, do not make out a prima facie case of domestic violence.

4. I have perused the averments in the application and the documents annexed with it carefully. I am afraid to accede to the submission of Mr.Mithare. In the application, the Respondent No.2 has made categorical allegations of acts of commission and omission, which constitute domestic violence. The manner in which the applicant No.1 subjected the Respondent No.2 to physical, sexual, verbal and emotional abuse, has been asserted with reference to the time, place and context of the alleged occurrence. There are allegations qua Applicant No.2 as well.

5. The documents annexed to the application, prima facie, lend credence to the allegations of domestic violence. The communications exchanged between the parties and the contemporaneous record, if read in conjunction with the averments in the application, would render it rather hazardous to draw an inference that no case for initiation of proceedings under the Act, 2005 and seek various protective reliefs is made out.

6. Resultantly, the Application does not deserve to be entertained.

7. Criminal Application stands dismissed.

(N.J.JAMADAR, J.)