



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APL) NO.237 OF 2024

au. Rupali w/o Sunil Chopade and another Vs. Smt. Durgabai wd/o Keshavrao Chopade)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.R. Bhishikar, Advocate for applicants.
Mr. K.J. Topale, Advocate for non-applicant.

CORAM : RAJNISH R. VYAS, JJ.

DATED : 25-09-2025.

Heard.

2. By way of instant application, original non-applicants are praying for setting aside order issued in P.W.D.V. Case No. 21/2024, filed under the provisions of Protection of Women from Domestic Violence Act, which is pending before Judicial Magistrate First Class, Karanja (Ghadge), District Wardha, at the instance of mother in law of applicant No.1.

3. I have heard Mr. Rohan Bhishikar, learned counsel for the applicants who, are the original non-applicants. I have also heard Mr. Kaustubh Tople, learned counsel for non-applicant/original applicant, mother-in-law. I have also gone through the case record. The application filed under Section 12 of the Protection of Women from Domestic Violence Act is also perused.

4. Non-applicant/mother-in-law has narrated various instances of the ill-treatment including the incidence dated 14.10.2023 when daughter-in-law i.e. present applicant No.1 has obstructed her from cultivating the land as well as threatened her. Report of that incidence was lodged with Karanja (Ghadge) Police Station. Another incidence of domestic violence occurred on 21.10.2023 wherein

mother-in-law has alleged that the present applicants have broken the lock of her gate and committed criminal trespass, so also has taken bank passbook and documents of vehicle and cash of Rs. 10,000/- without any permission. Not only this, incidents dated 1.11.2023 and 13.7.2024 are also narrated which are resulted into lodging of complaint with Karanja (Ghadge) Police Station by the mother-in-law and consequent issuance of NC No. 435/2024, for the offence punishable under Sections 352, 351(2), 351(3) of the Bharatiya Nyay Sanhita. The aforesaid averment clearly show that mother-in-law was subjected to domestic violence. So far as contention of the applicants that they were never in domestic relationship is concerned, same cannot be appreciated at this stage. Admittedly, the marriage between son of original applicant and present applicant No.1 was solemnised in the year 2001. The non-applicant before this Court, being mother-in-law, must have shared domestic relationship with the applicants. Whether the parties were residing separately or not and whether that would be a ground for exonerating the applicants, is a matter of trial.

5. Considering the scope of present application and the fact that mother-in-law was treated with domestic violence, I am not inclined to interfere in the application. Accordingly, the application is dismissed.

(RAJNISH R. VYAS, J)