



IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION No. 970/2024.

1.Pawan Ganesh Jadhav,
Aged about 37 years, Occupation
Service, resident of c/o. Kiran
Maroti Bandal, Flat No.201, Building
No.34, Swapnlok Nagri, Bhore,
Tahsil Bhore, District Pune.
(Husband)

2.Sulabai Ganesh Jadhav,
Aged about 60 years, Occupation
Household, resident of Pangari,
Post Mhasola, Tahasil and District
Yavatmal.
(Mother-in-law)

3.Kalpana Vinod Pawar,
Aged about 40 years, Occupation
Household.
(Sister-in-law)

4.Vinod Gulab Pawar,
Aged about 50 years, Occupation
Service.
(Brother-in-law)

Applicant Nos.3 and 4 are resident of
Plot No.45, Chandrikapure Layout,
Jaidurga Nagar, Zingabai Takli,
Godhani Road, Nagpur 440030.

Rgd.

5.Amol Ganesh Pawar,
Aged about 35 years, Occupation
Agriculturist, resident of Pangari,
Mhasola, Tahasil and District
Yavatmal.
(Brother-in-law)

6.Manoj Ganesh Jadhav,
Aged about 42 years, Occupation
Service.
(Brother-in-law)

7.Mamta Manoj Jadhav,
Aged about 37 years, Occupation
Household,
(Sister-in-law)

Applicant Nos.6 and 7 resident
of c/o. Sanjay Barapatre, Chamorshi
Road, Gokul Nagar, Gadchiroli,
District Gadchiroli.

8.Sahebrao Savairam Rathod,
Aged about 57 years, Occupation
Service, resident of Jasrana Complex,
B-3, Darwaha Road, Yavatmal,
District Yavatmal.
(Uncle)

9.Mansi Vinod Pawar,
Aged about 18 years, Occupation
Education, resident of Plot No.45,
Chandrikapure Layout,
Jaidurga Nagar, Zingabai Takli,
Godhani Road, Nagpur 440030.
(Niece)

...

PETITIONERS.

Rgd.

VERSUS

Kranti w/o Pawan Jadhav,
Aged about 28 years, Occupation -
Household, resident of C/o.
Shri Uttamrao Rathod,
Mangalmurti Nagar, Walgaon
Road, Yavatmal.

... RESPONDENT.

Mr. B. Dafle, Advocate for Petitioners.
Mr. V. Awchat, Advocate for the Respondent.

CORAM : M.M. NERLIKAR, J.

DATE : OCTOBER 13, 2025.

ORAL JUDGMENT :

Heard. Rule. Rule is made returnable forthwith and by consent of the learned Counsel appearing for the parties, the matter is taken up for final disposal.

2. At the outset, the learned Counsel for petitioners states that he is not pressing the petition so far as petitioner no.1 – Husband, is concerned. Therefore, the petition to that effect i.e. against Rgd.

petitioner no.1 stands dismissed.

The learned Counsel for petitioners submits that so far as petitioner nos. 2 to 9 are concerned, they are Mother-in-law, Brothers-in-law, Sisters-in-law, Uncle and Niece. He further submits that all are residing at different places, far away from the place where the respondent was living. He further submits that there are no allegations against petitioner nos. 2 to 9. It is submitted that even if the contents of complaint is taken as it is, it does not satisfy the ingredients of Section 3 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the D.V. Act" for short). Further it is submitted that the complaint shows that the petitioner nos.2 to 9 have instigated the petitioner no.1, but, there is no specific date and time when the alleged incident of domestic violence took place. Accordingly, he prayed for quashing of the proceeding against petitioner nos.2 to 9.

3. Per contra, the learned Counsel for the respondent vehemently opposed the petition and submitted that all the petitioners have harassed the respondent. He submits that the definition of Rgd.

Domestic Violence is sufficiently inclusive to implicate all the petitioners. He further submits that there was consistent harassment at the hands of petitioner nos. 2 to 9. He further submits that there are specific allegations levelled against petitioner nos. 2 to 9. Ultimately he has prayed for dismissal of the petition.

4. Upon hearing the parties and upon perusal of the record, it appears to me that in paragraph no.3 of the complaint, the allegations are in respect of not giving valuable articles in the marriage. The only allegations which can be gathered from the complaint is, in paragraph no.5 is that, at the behest of petitioner nos. 2 to 9, the petitioner no.1 used to ill-treat the respondent. It further appears, that so far as the petitioner nos. 2 to 9 are concerned, they are residing at different places, meaning thereby they are not residing along with the petitioner no.1 and the respondent. It further appears that, the respondent herein has also filed a First Information Report under Section 498-A and other sections of the Indian Penal Code. As argued by the learned Counsel for the respondent, that after application of mind, the learned Magistrate has issued process against the petitioners, therefore, this
Rgd.

Court may not entertain the petition. The learned Counsel for the respondent also states that as examination-in-chief has commenced, as well as completed, and now the cross-examination of the respondent herein is going on, and therefore, the petition may not be entertained.

5. Suffice to say that, this by itself will not preclude this Court from exercising the powers under Articles 226 and 227 of the Constitution of India, when there is an abuse of the process of law. Apparently, from the particulars in respect of the allegations leveled against the petitioner nos. 2 to 9, those allegations do not fall within the purview of domestic violence as defined under Section 3 of the D.V. Act. Considering the above facts and circumstances of the case, indulgence of this Court is warranted and therefore, the proceedings initiated under the D.V. Act, against the petitioner nos. 2 to 9 are liable to be quashed and set aside. Hence, the following order.

ORDER

- (1) Criminal Writ Petition is allowed and disposed of.

Rgd.

7

- (2) The proceedings bearing PWDV Case No.4/2024 pending before the Judicial Magistrate, First Class, Yavatmal under the provisions of D.V.Act is hereby quashed and set aside, so far as the petitioner nos. 2 to 9 only are concerned.
- (3) Rule is made absolute in the aforesaid terms.

JUDGE