



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

CRIMINAL APPLICATION (APL) NO. 513 OF 2024

1. Mangesh S/o Manikrao Wadandre,
Aged : 40 Yrs., Occ. Service,
 2. Pushpalata W/o Mangesh Rao
Wadandre,
Aged : 35 yrs, Occ. Service.
Both Petitioner No. 1 and 2 R/o 50/2,
Near Old Masjid Sindhi Railway Tehsil
Seloo, VTC Sindi Railway,
District Wardha-442.
- APPLICANTS**

Versus

Smt. Ankita Shravan Bansur,
Age : 28 years, Occ. Household,
R/o. C/o. Ramesh Ramrao Nasre, Tara
Sawanga At Ashti District Wardha,
442202.

NON-APPLICANT

Mr. S.I. Khan, Advocate for the Applicant.
Mr. M.V. Rai, Advocate for the Non-applicant.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 21st JULY, 2025.

ORAL JUDGMENT :-

1. Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by the consent of learned counsel for the respective parties.

3. By this Application the Applicants are seeking to quash and set aside the Domestic Violence proceeding bearing No. PWDVA APP-29/2020 pending before the Judicial Magistrate First Class, Ashti District Wardha against the Petitioner who are the original Respondent Nos. 3 and 4 in the Domestic Violence proceedings (for short "D.V").

4. The brief facts of the case are as under:

The Respondent No. 3 is the husband of the Respondent No.4 who is the sister-in-law of the present Non-applicant Dr. Shravan Rajaramji Banasure is the husband of the present Non-applicant. The marriage of the Non-applicant and brother of the Applicant No.2 was performed on 28.06.2020 at Wardha. After marriage she resumed the cohabitation at the house of her husband and she stayed there till September 2020 i.e., hardly for one month. It is alleged that after marriage she was ill-treated by her husband, mother-in-law as well as the

present Applicants. As per the allegations due to instigation at the hands of the present Applicants her husband was not keeping physical relationship with her and also harassing her. On the basis of the said Application filed by the Non-applicant before the Judicial Magistrate First Class, Ashti. The Judicial Magistrate First Class, Ashti has issued summons to the present Applicants. Being aggrieved and dissatisfied with the same the present Petition is filed by them for quashing of the D.V. proceedings on the ground that the Applicants never resided alongwith the respondent and her husband, they were not with the respondent in a domestic relationship and the general allegations are levelled against them. On that ground the Applicants are seeking quashment of the proceedings.

5. Heard learned Counsel for the Applicants who reiterated the said contentions and submitted that, on going through the definition of “domestic relationship” under Section 2(f) of the D.V. Act, 2005 which means a “relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as

a joint family”.

6. Thus, the present Applicants are never resided alongwith the present Non-applicant in either in a domestic relationship or in a shared household. Moreover, the allegations levelled against them are general in nature, and therefore, the proceedings against them to be quashed.

7. The learned Counsel for the Non-applicant strongly opposed for the same and invited my attention towards the recitals of the Application and submitted that, wherein it is specifically mentioned that she was harassed at the hands of the present Applicants after marriage when she resumed the cohabitation. He further submitted that, the complaint under Section 498-A of the Indian Penal Code, is also registered against the present Applicants which is still pending. In view of that, the Application being devoid of merits is liable to be dismissed.

8. On hearing both the sides and on perusal of the record it reveals that, the relationship is not in dispute. It is also not in dispute that the marriage between the Non-applicant and her husband Shravan Rajaramji Banasure was performed on

28.06.2020. Thereafter she resumed the cohabitation at the house of her husband. There is no dispute that the present Applicant No.2 is the sister of her husband and the Applicant No.1 is the husband of the Applicant No.2. It is also undisputed that, the marriage of the Applicants was performed prior to the marriage of the present Non-applicant and she is residing at Sindhi Railway Selu, District Wardha. Thus, it is apparent that the Applicants are not residing with the Non-applicant in her house alongwith her.

9. For consideration of the issues noted above, it would be appropriate to refer the definition of the domestic relationship and shared household under Sections 2(f) and 2(s) of the D.V. Act, 2005 reads as under:

“2(f) “domestic relationship” means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

2(s) “shared household” means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title,

interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household.”

10. A plain reading of the above provisions reveals that for being arrayed in a domestic relationship means the prominence while construing whether the party is an aggrieved person and as to whether the other party can be arrayed as Respondent in D.V. Application. The *sine qua non* for domestic relationship is living together either in the present or in the past in a shared household as defined under Section 2(s) of D.V. Act.

11. The facts of the instant case makes it evident that the Applicants and her husband never resided together in the shared household i.e. the matrimonial house of the present Non-applicant at Ballarpur, District Chandrapur. The recitals of the compliant nowhere shows that at any point of time after the marriage of the Non-applicant with the brother of the Applicant No.2, the Applicants resided together alongwith them in the shared household. Thus, considering the fact that the present Applicants never resided alongwith the Non-applicant in a share household or they were never with the Non-applicant in the

domestic relationship and the nature of the allegation is also of a general nature. No case is made out against the present Applicants as far as the domestic violence at their hands is concerned.

12. Coming to the pleadings in the Application it is pleaded by the Non-applicant that she was harassed at the hands of her husband on the instigation of present Applicants. Admittedly, general allegations are levelled against them, no individual act or certain incidents are narrated by the Non-applicant as far as the harassment at the hands of the present Applicants are concerned. The only pleading is that on the instigation of the present Applicants her husband was not keeping physical relationship with her was harassment at the hands of the present Applicants. Except that, there are no instances narrated by the Non-applicant in her application. Thus, the Applicants who are included as a Respondent Nos. 3 and 4 in the original Petition merely because they are related to the husband of the Non-applicant. Thus, permitting the Non-applicant to include the married sister-in-law and her husband would be a share abuse of process of law that merely they sometime visited their parental house and stayed there, is not

sufficient to state that they were in a domestic relationship with the Non-applicant and the Non-applicant was subjected for the harassment at their hands. There were no subsisting relationship between the Applicants and the Non-applicant, and therefore, the Applicants could not have been arraigned as Respondent Nos. 3 and 4 in D.V. proceedings. Mere visits of the Applicants to the shared household being devoid of any permanency is not sufficient and adequate to constitute residence in shared household. Even otherwise, considering the pleadings in the Application read with the reliefs there is no case of domestic violence against the present Applicants. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

13. Accordingly, I proceed to pass the following order:

ORDER

- i. The Application is **allowed**.
- ii. The Domestic Violence proceeding bearing No. PWDVA APP-29/2020 is hereby quashed and set aside.

14. Rule is made absolute in the above terms. No costs.
15. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte