



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

938 CRIMINAL APPLICATION NO. 4513 OF 2025

**PRADNYA BADAL AAKHADE
VERSUS
BHARTI YOURAJ AAKHADE AND ANOTHER**

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Mr. S. N. Lale Yelwatkar, Advocate for the Applicant
Ms Pallavi A. Somwanshi (Suryawanshi) h/f Mr. Amol S. Gandhi,
Advocate for Respondent No.1

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 18, 2026

PER COURT :-

1. Leave granted to amend the prayer clause in respect of the Court, Latur, where the application under D.V. Act, sought to be transferred.
2. Necessary amendment be carried out, forthwith.
3. Heard the learned counsel for the applicant and Ms Pallavi Somwanshi, the learned counsel for the non-applicant, at length.

4. By the present application under Section 24 of Bharatiya Nagarik Suraksha Sanhita, the applicant / wife is seeking transfer of PWDVA No.32 of 2024 from the file of learned Chief Judicial Magistrate, First Class, Pimpri, Pune to the Court Chief Judicial Magistrate, First Class, Latur.

5. I have gone through the application as well as the reply filed on behalf of the non-applicants. It is not in dispute that the marriage between the applicant and non-applicant No.2 was solemnized on 30.12.2021 as per the customs and rites prevailing in their society. After the marriage, the applicant cohabited with the non-applicant No.2 in the joint family.

6. Both, the applicant and the non-applicant No.2 are highly educated. Initially for some days, the non-applicant behaved with her very honestly, however, subsequently they raised cruelty and domestic violence against her. Lastly, on 11.11.2022, she was driven out from her matrimonial house. Ultimately, she took shelter of her parents and residing at Latur. However, the non-applicant No.1, mother-in-law of the applicant has filed PWDVA No.32 of 2024, under the provisions of Protection of Women from Domestic Violence Act,

before the learned Chief Judicial Magistrate, Pimpri, Pune. However, the applicant is unable to travel 380 to 400 kms from Latur to Pune to attend the said proceeding.

7. The non-applicant No.1 has filed reply and strongly opposed the application on the ground that the non-applicant No.1 is the victim of domestic violence, assault and abuse at the hands of her daughter-in-law i.e. the applicant. So also, the Chief Judicial Magistrate, Pimpri, Pune, is the competent jurisdictional Court to decide the case, hence prayed for rejection of the application.

8. In the case of ***Shaurabh Kumar Tripathi v. Vidhi Rawal***, ***AIR 2025 SC 2598***, wherein, it has been held that the purpose of enacting the law of Domestic Violence Act was to provide a remedy in the civil law for the protection of women from being victims of domestic violence and to prevent the occurrence of domestic violence in the society. The application under Section 12 of the DV Act, 2005, cannot be equated with a complaint within the meaning of Section 200 of the CrPC (Section 223 of the BNSS). The scheme of Section 12 is completely different from Section 200 of the CrPC or Section 223 of the BNSS. The Court must make a distinction between

proceedings initiated on the basis of an application under Section 12(1) of the DV Act, 2005, which are predominantly of a civil nature and the proceedings before the Criminal Court for prosecuting a person for any offence. Setting criminal law in motion has very serious consequences affecting the liberty of a human being, as the person against whom criminal law is set in motion can be arrested and sentenced to undergo imprisonment.

9. In the case of *Alisha Berry v. Neelam Berry (2025 LiveLaw (SC) 33)*, it has been held that the proceedings under the D.V. Act are quasi criminal proceedings which do not have any penal consequence except where there is a violation or breach of a protection order. Therefore, to my view, there is no necessary of personal appearance of the non-applicant in the D.V. proceeding unless and until there is violation of the protection order.

10. In case in hand, the applicant and her daughter are residing at Latur, whereas the non-applicant No.1, mother-in-law of the applicant is residing at Pune, within the jurisdiction of Chief Judicial Magistrate, Pimpri, Pune.

11. During the course of hearing, the non-applicant has produced the copy of D.V. proceeding bearing P.W.D.V.A. No.32 of 2024. On perusal of the said application, it appears that Sou. Bharti Youraj Aakhade, aged about 60 years and Shri Youraj M. Aakhade, age about 65 years, the parents in-laws of the present applicant, have initiated the said proceeding against the applicant and their son Badal Youraj Aakhade, the husband of the present applicant and non-applicant No.1 in PWDVA application. The present non-applicant No.1 and her husband who is not before this Court, specifically given instances about raising domestic violence within the meaning of Section 3 of the D.V. Act at the hands of the present applicant / original non-applicant. According to the present non-applicant, when the present applicant was staying with them at Pimple Saudagar, the domestic violence allegedly been raised. The present non-applicant No.1 is the old aged person i.e. senior citizen and the applicant No.2 in the D.V. proceeding is more than about 65 years old. Therefore, they cannot be compelled to travel from Pune to Latur, whereas the present applicant is the well educated female and stayed for a suitable period at Pune. Therefore, she can travel from Latur to Pune

to attend the said proceeding. Nonetheless, the proceeding under Section 12 of the D.V. Act, is not purely criminal prosecution, but it is a quasi criminal nature. Therefore, it is not required to attend the said proceeding by the present applicant on each and every date, but she can appear through her counsel except during the course of trial for giving evidence. Therefore, I do not find that the present applicant has make out substantial ground to transfer the D. V. proceeding from the Court of learned Chief Judicial Magistrate, Pimpri, Pune to the learned Chief Judicial Magistrate, First Class, Latur.

12. Accordingly, the present Criminal Application is dismissed.

[Y. G. KHOBRAGADE, J.]

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