IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2210 OF 2026

Shital Sandesh Virkar & Anr. …Petitioners
Versus
The State of Maharashtra & Ors. …Respondents

Mr. Vipul Dushing a/w Tanmay Kate, for the Petitioners.
Mr. Shahaji Shinde, APP, "B" Panel Counsel, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 14 OCTOBER 2026

PC:-

1. Heard Mr. Dushing, learned Counsel appearing for the Petitioners and Mr. Shinde, learned APP, for the Respondent-State of Maharashtra.

2. In this Writ Petition, the relief sought is the quashing of the DV proceedings filed against the Petitioners i.e. Original Opponent Nos.2 and 3. The Petitioner No.1 (Opponent No.2) is the wife of brother of Petitioner No.1's husband i.e. Original Opponent No.1 and the Petitioner No.2 (Opponent No.3) is the sister of Original Opponent No.1.

3. It is the contention of Mr. Dushing, learned Counsel for the Petitioners, that there are no allegations whatsoever against the

present Petitioners and that there are no allegations concerning any demand or assault at least against Petitioners. He further submits that Petitioner No.2 (Opponent No.3) is the married sister of Opponent No.1 and resides in Mumbai.

4. Mr. Dushing, learned Counsel for the Petitioners, relies on the decision of the Supreme Court in ***Shobhit Kumar Mittal v. State of U.P.*** [1] and more particularly on Paragraph Nos.18, 21 and 23 thereof. He also relies on the decision of the Supreme Court in ***Dara Lakshmi Narayana v. State of Telangana*** [2] and more particularly on Paragraph Nos.20, 26 and 27 thereof. He further relies on the decision of the Supreme Court in ***Shaurabh Kumar Tripathi v. Vidhi Rawal*** [3] and more particularly on Paragraph Nos.32, 39, 34 and 40 thereof.

5. Perusal of the Complaint shows that the DV Complaint was filed by Respondent No.2 (Applicant No.1), who is the wife of Original Opponent No.1-Sagar Yallappa Virkar. Applicant No.2 in the said DV Case is the daughter of Applicant No.1 and Opponent No.1. At the time of filing the DV Complaint i.e. in August 2023,

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1 2025 SCC OnLine SC 2059

2 (2025) 3 SCC 735

3 2025 SCC OnLine SC 1158

the daughter's age was only 1 year and 6 months.

6. The present Petitioners are Opponent Nos.2 and 3 in the said DV proceedings. Petitioner No.1 is the wife of brother-in-law of Respondent No.2 and Petitioner No.2 is the sister-in-law of Respondent No.2.

7. Although it is the contention raised by Mr. Dushing, learned Counsel for the Petitioners that there are no allegations against the Petitioners and, in any case, no allegations of assault or demand against them, the allegations against the present Petitioners as set out in DV Complaint are as follows:

> "२. अर्जदार हिचे दागिने व जाबदेणार क्र. १ यांना घातलेली सोन्याची चैन व अंगठी हे जाबदेणार क्र. १ ते ३ यांच्या ताब्यात आहेत.
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> ३. अर्जदार हिचा विवाह झालेनंतर अर्जदार ही नांदण्यासाठी जाबदेणार क्र. १ यांच्या घरी आली. त्यावेळी तेथे जाबदेणार क्र. १, २ व जाबदेणार क्र. २ यांचा मुलगा नामे यशराज एक़त्रित राहत होते.
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> जानेवारी २०२१ मध्ये अर्जदार हिस जाबदेणार नं.२ हिने सांगितले की, जाबदेणार क्र. १ यांचे पहिले लग्न झाले होते, परंतु जाबदेणार क्र. १ यांच्या अशा विचित्र वागण्यामुळे त्यांचा घटस्फोट झाला.
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> ४. माहे फेब्रुवारी २०२१ मध्ये जाबदेणार क्र.२ व ३ यांनी अर्जदार क्र.१ हिस सांगितले की, "तुला जर येथे रहायचे असले तर आमच्या मर्जीप्रमाणे रहावे लागेल."
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> सदरवेळी जाबदेणार क्र.२ व ३ यांनी जाबदेणार क्र.१ याला अर्जदार क्र. १ हिच्याविरूध्द भडकावून दिले की, "अर्जदार म्हणते की, तुमच्याशी लग्न करून मी खूप मोठी चुक केली आहे." सदर वेळी जाबदेणार क्र.१

याने अर्जदार क्र.१ हिस अर्वाच्य भाषेत शिवीगाळ करून बेदम मारहाण केली.

६. जाबदेणार क्र.२ यांनी जाबदेणार क्र.१ यांना अर्जदार क्र.१ हिच्या विरूध्द काहीही खोटेनाटे सांगून भडकावण्याचे काम केले.

७. जाबदेणार क्र.३ या जवळच राहत असल्यामुळे सतत यांच्याच घरामध्ये असायच्या आणि दिवसभर अर्जदार क्र.१ हिचा जाबदेणार क्र.२ व ३ मिळून छळ करायच्या शिवाय रात्री जाबदेणार क्र.१ आल्यावर त्यांचे कान भरायच्या त्यामुळे अर्जदार क्र.१ ही रोजच मरण यातना सहन करत असे.

८. जाबदेणार क्र.१ ते ३ हे अर्जदार क्र.१ हिस म्हणत की, "तु गरोदर आहेस हे काही जगाच्या वेगळे झालेले नाही, त्यामुळे तुला घरातील सर्वच कामे करावी लागतील आणि ते सुध्दा वेळेच्या आतमध्ये."

जाबदेणार क्र.१ ते ३ नेहमी अर्जदार क्र.१ हिस म्हणत असत की, "तुझी जाऊ माहेरहून खूप काही घेवून येते परंतु तुला मात्र माहेरहून साधी फुटकी कवडी देत नाहीत."

जाबदेणार क्र.१ ते ३ यांनी अर्जदार क्र.१ व तिचे नातेवाईकांना कोणतीच दाद दिली नाही.

जाबदेणार क्र.१ ते ३ हे अर्जदार क्र.१ हिस ठेवून घेण्यास तयार नाहीत, हे सर्व बघून अर्जदार क्र.१ हिला त्याच दिवशी परत माहेरी आणले."

8. The definition of domestic violence under the *Protection of Women from Domestic Violence Act, 2005* ("**DV Act**") is very broad. The contentions raised in the DV Complaint clearly shows that the allegations fall within the definition of domestic violence under the DV Act.

9. The Supreme Court in the decision of ***State of Haryana v.***

Bhajan Lal [4], in Paragraph No.102, laid down the guidelines governing the exercise of powers under Article 226 or the inherent powers under Section 482 of the *Code of Criminal Procedure, 1973*, as follows:

> "***102.*** *In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which* ***we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice****, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
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> ***(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.***
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> *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*

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4 1992 Supp (1) SCC 335

(3) ***Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.***

(4) *Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

(5) ***Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.***

(6) *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*

(7) *Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.*"

(Emphasis added)

10. If the allegations against the present Petitioners (Opponent Nos.2 and 3) made in the D.V. Complaint are examined on the

touchstone of above parameters in ***Bhajan Lal*** (supra), then it is clear that no case is made out to exercise power of this Court to quash the Complaint.

11. The Supreme Court in ***Shobhit Kumar Mittal*** (supra) and ***Dara Lakshmi Narayana*** (supra), has held that if allegations are vague and omnibus then the power to quash be utilised. However, as noted hereinabove, very specific allegations are made against the Petitioners (Original Opponent Nos.2 and 3). The decision of the Supreme Court in ***Shaurabh Kumar Tripathi*** (supra) is *inter alia* concerning the circumstances in which imprisonment be imposed under the DV Act. Thus, the same has no application at this stage.

12. The Supreme Court has held that where upon a reading of the Complaint as it is, if no offence is made, then in that case, the Complaint can be quashed. In the present case, specific allegations of domestic violence, as contemplated under the provisions of the DV Act, have been made against the Petitioners.

13. Accordingly, no interference with the impugned proceedings is warranted. The Writ Petition is dismissed.

[MADHAV J. JAMDAR, J.]