IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2390 OF 2024

Rajat P. Uddanappa Siddamal & Ors. …Petitioners

Versus

The State of Maharashtra & Anr. …Respondents

WITH

WRIT PETITION NO.2393 OF 2024

Ganesh Uddanappa Siddamal …Petitioner

Versus

The State of Maharashtra & Anr. …Respondents

Mr. Ajinkya Udane, for the Petitioners.
Mr. Shekhar V. Mane a/w. Mr. Mahesh Arjun (through Video Conferencing), for the Respondent No.2.
Mrs. M. R. Tidke, APP, for Respondent No.1-State.
Mr. Rajat P. Uddanappa Siddamal, the Petitioner in WP/2390/2024, present.
Mr. Ganesh Uddanappa Siddamal, the Petitioner in WP/2393/2024, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 9th OCTOBER 2026

P. C.:

1. Heard Mr. Udane, learned Counsel appearing for the Petitioners, Mrs. Tidke, learned APP appearing for Respondent

No.1-State and Mr. Mane, learned Counsel appearing for Respondent No.2.

2. The relief sought in the present Writ Petitions is seeking quashing and setting aside the proceedings bearing PWDVA No.6 of 2024, originally pending before the Court of the learned Judicial Magistrate First Class, Udagir, District- Latur and subsequently transferred to the Family Court at Pune.

3. It is the submission of Mr. Udane, learned Counsel appearing for the Petitioners that the marriage took place on 9th July 2023 and within three days of the marriage, the Respondent-wife left the matrimonial house. It is therefore, submitted that the domestic violence proceedings be quashed and set aside.

4. On the other hand, Mr. Mane, learned Counsel appearing for Respondent No.2 submits that the contention raised that parties stayed together only for three days is not correct. The Petitioner-Husband had even physically assaulted the Respondent-wife. Apart from that, she has been mentally harassed and therefore, the Writ Petition be not entertained.

5. Before considering the rival contentions, it is necessary to set out certain contentions raised in the D. V. complaint :

> *"(i) हे की, अर्जदार व प्रति अर्जदार क्र- 1 यांच्या लग्नामध्ये अर्जदाराच्या वडीलांनी रूपये 11 लाख हुंडा, 15 तोळे सोने व सर्व गृहउपयोगी साहित्य देवून व मंगल कार्यालयाचा व जेवनाचा खर्च करून रागा हेरिटेज व बैंक्वेट्स, हिंजवडी, पुणे येथे लग्न लावून दिले.*
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> *(ii) लग्नानंतर दुसऱ्या दिवसापासूनच अर्जदाराचे पती म्हणजेच प्रति अर्जदार क्र- 1 नामें गणेश उद्दानाप्पा सिद्दमल, सासरे प्रति अर्जदार क्र- 2 नामे उद्दानाप्पा विरूपाक्षप्पा सिद्दमल, सासु प्रति अर्जदार क्र- 3 नामे प्रेमा भ्र. उद्दानांप्पा सिद्दमल व दिर प्रतिअर्जदार क्र- 4 नामे रजत उद्घानाप्पा सिद्दमल यांनी अर्जदाराच्या चारित्र्यावर संशय घेवून तिला माहेरहून आईचा किंवा वडीलांचा जरी फोन आला तरी फोनवर आमच्यासमोर बोल असे म्हणायचे व अर्जदार तिच्या रूममध्ये असताना आईचा किंवा वडीलांचा फोन आला व ती रूममध्येच त्यांनां फोनवर बोलली तर फोनवर कोणाला बोलत होतीस म्हणून अर्जदाराचा मोबाईल घेवून तपासून पाहायचे.*
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> *(iii) आता माहेरहून येताना 10 लाख रूपये व इनोव्हा कार घेवून ये म्हणून तगादा लावला.*
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> *(iv) सासरी आल्यानंतर अर्जदाराच्या आई वडीलांनी प्रति अर्जदारांची मागणी पुर्ण केली नसल्यामुळे प्रति अर्जदार क्र- 1 ते 4 यांनी आपसात संगणमत करून अर्जदाराला शिवीगाळ करण्यास, मारहाण करण्यास व सतत अपमान करण्यास सुरूवात केली.*
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> *(v) अर्जदार ही प्रति अर्जदारांचा त्रास सहन करीत तेथेच राहत होती, तेंव्हा दि. 30.07.2023 रोजी प्रति अर्जदार क्र-1 ते 4 यांनी अर्जदाराला शिवीगाळ करून लाथाबुक्क्याने मारहाण करून तिच्या अंगावरील सर्व दागिने काढून घेवून तिला घरातून हाकलून दिले व 10 लाख रूपये व इनोव्हा कार माहेरहून घेवून आलीस तर नांदायला ये अन्यथा आम्ही तुझे चारित्र्य चांगले नाही म्हणून तुला बदनाम करू म्हणून धमकी दिली*

(vi) त्यानंतर शेवटी दि 03.12.2023 रोजी अर्जदार, तिचे वडील, नातेवाईक व गावातील पंच मिळून अर्जदारांच्या सासरी गेले असता सासरच्या लोकांनी अर्जदार व तिच्या नातेवाईकांना घरात येवू दिले नाही, त्यामुळे ते सर्वजण परत आले

(vii) अर्जदाराच्या चारित्र्यावर संशय घेवून अर्जदारास तुझ्या आई वडीलांनी लग्नामध्ये आमच्या मनासारखी करणीधरणी केली नाही व मानपान केला नाही, म्हणून माहेरहून 10 लाख रूपये वं इनोव्हा कार घेवून ये म्हणून मागणी करून ती मागणी अर्जदार व तिच्या माहेरच्यांनी पुर्ण नाही केली म्हणून तिला मानसिक व शारिरीक त्रास देवून तिचा छळ केल्याचा गुन्हा केलेला आहे एवढेच नूसन प्रति अर्जदारांनी खोटे व बनावट संदेश सोशल मिडीयावर प्रसारीत करून बदनाम करण्याची धमकी दिली आहे."

English translation of the above is as under:

"*(i) That, at the time of the marriage of the Applicant and Respondent No. 1, the father of the Applicant gave a dowry of Rs. 11,00,000/-, 15 tolas of gold and all household things and articles and solemnized the marriage at Raga Heritage & Banquets, Hinjawadi, Pune, bearing all the expenses of the wedding hall and catering.*

(ii) That, right from the second day post-marriage, Ganesh Udhanappa Siddhamal -- the husband of the Applicant --Respondent No. 1; Udhanappa Virupakshappa Siddhamal -- father-in-law -- Respondent No. 2; Prema w/o Udhanappa Siddhamal, mother-in-law -- Respondent No. 3 and Rajat Udhanappa Siddhamal, brother-in-law (i.e. husband's brother) -- Respondent No. 4, cast aspersions on the character of the Applicant. Even if a telephone call was received from her maternal parents (mother/father), they would ask her that she speak on speaker phone in their presence. Moreover, whenever the Applicant received a call from her father or mother while inside her room

and spoke to them therein, they would interrogate her as to whom she was speaking with, would forcibly seize her mobile phone and would check it.

(iii) That, they began persistently demanding that she bring Rs. 10,00,000/- (Rupees Ten Lakhs) cash and an Innova car from her Parents' home upon her return.

(iv) That, after coming to the matrimonial house, as the parents of the Applicant could not fulfill the demands made by the Respondents, Respondent Nos. 1 to 4, acting in collusion, commenced subjecting the Applicant to verbal abuse, physical assault and continuous humiliation.

(v) That, while the Applicant was enduring the harassment inflicted by the Respondents and continuing to reside there, on the date 30.07.2023, Respondent Nos. 1 to 4 verbally hurled abuses at and physically assaulted her with blows and kicks, forcibly removed all gold ornaments worn on her body and dispossessed her from the matrimonial home. They further threatened her that she should only return to cohabit if she brings Rs. 10,00,000/- (Rupees Ten Lakhs) cash and an Innova car from her Parents' home, failing which they threatened to defame her character by alleging that her character is not good.

(vi) That, thereafter, finally on the date 03.12.2023, the Applicant, her father, relatives and community panchas (mediators/elders) from the village went to her matrimonial house; however, the persons from her In-laws' house refused to permit the Applicant and her relatives to enter the premises, as a consequence of which all of them were compelled to return.

> *(vii) That, casting aspersions on the character of the Applicant, the Respondents stated : "Your father and mother have not solemnized the marriage as per our wishes and expectations and they have not given proper 'maan-paan' (gifts and honour); therefore, bring Rs. 10,00,000/- and an Innova car from your Parents' home." Since the parents of the Applicant could not fully satisfy this demand, the Applicant was subjected to severe mental and physical harassment, amounting to cruelty and thus, committed an offence. Not stopping there, the Respondents created a fake profile and disseminated defamatory and fabricated messages on social media with the threat to defame her.*"

6. Thus, what is set out in the complaint that the Petitioners' demanded dowry and accordingly, Rs.11,00,000/- have been paid as dowry and gold weighing 15 tolas were given. The Respondent-wife was subjected to physical assault and doubt was raised about her character. Thus, the allegations are very serious and covered by "Domestic Violence" as contemplated by the provisions of the Protection of Women from Domestic Violence Act, 2005

7. The Supreme Court in the case of ***State of Haryana v. Bhajan Lal***[1]**,** in paragraph 102 has set out the parameters for exercising jurisdiction by the High Court under Article 226 of the Constitution

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1 1992 Supp (1) SCC 335

of India or the inherent power under Section 482 of the Code of Criminal Procedure. The said paragraph No.102 reads as under:

> ***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****.*
>
> *(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.*

(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)

8. Thus, what is held by the Supreme Court is that 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, the power to quash can be exercised. It has been held that 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, power of quashing can be exercised. The other factor is where 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.

9. The perusal of the D. V. complaint do not show that any of the parameters as set out in ***Bhajan Lal*** (supra) are applicable There is no material on record to show that the proceedings have been initiated with *mala fide* intent. In fact, the allegations levelled by the Respondent No.2 are very serious ,where as per the contention of Respondent No.2, she has been physically assaulted.

Thus, no case is made out for quashing of the domestic violence proceedings.

10. Accordingly, the Writ Petitions are dismissed.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL

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