



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

CRIMINAL APPLICATION (APL) NO. 64 OF 2024

[Kuldeep Kishor Sheelwant (Husband) (deleted), Vrushali Kishor Sheelwant and ors.
vs. Sau. Priyanka @ Kirti Kuldeep Sheelwant]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Vijaykumar Paliwal, Advocate for the applicants
Mr. K. S. Narwade, Advocate for non-applicant

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED : 07-05-2026

Heard.

2. The applicants have filed this application against the issuance of notices to the applicants in domestic violence proceedings No. 23/2023 pending before Judicial Magistrate First Class Court, Mahagaon, District Yavatmal.

3. The brief facts of the domestic violence proceedings filed by the non-applicant are as under :-

Applicant no. 1, who is deleted by the Court's order, is the husband of non-applicant no. 2. Their marriage was solemnized on 7-6-2014. They are having son out of this wedlock. It is the contention of the applicants that initially for few years, the life of the applicants was smooth. Thereafter allegations are made that the applicants started harassing non-applicant physically and mentally. Immediately after the marriage on 16-6-2014, when the applicant no. 8 came to her mternal home i.e. house of her husband, she has made comments that marriage was not

performed properly, it was performed in temple like beggars. Her parents have not given T.V., A.C., Dining Table, Sofa set, gold ring etc in marriage. All the applicants started suspecting her character as she was having a birth mark on her back. It is alleged that applicant nos. 2, 4, 5, 7 and 8, in November, 2014, when she suspected that she is pregnant, they were under impression that she must have possessed girl foetus in her womb, they forcibly gave her hot water compress by putting some medicine in it, therefore, the foetus was aborted. Thereafter, when she was pregnant for second time, she went to her parents house on 2-12-2015. She has given birth to a baby boy, but nobody from the applicants family came to see her son.

On 19-2-2016, she went to her matrimonial house, but there was no any change in the behaviour of the applicants. Thereafter, she went to her parents house and lodged the complaint. She has further filed the petition for maintenance. During pendency of said petition, the matter was compromised, she had withdrawn the said petition and went to stay with her husband. It is the allegation that her husband tried to take her signature on the affidavit and when she refused for it, he beat her and he locked her in one room. Thereafter, on 5-9-2020, applicants conspired to kill her, therefore, she called the paternal uncle and father and she went to Buldhana with her father. At that time, she went to her parents house only on the cloths which were on her person. At that time she informed Buldhana Police Station accordingly, however, not lodged

the complaint.

4. Learned counsel for the applicants has stated that the name of her husband is deleted from this application. Applicant nos. 2 and 3 are mother-in-law and father-in-law. Applicant nos. 4, 5, 7 and 8 are sisters-in-law. Applicant no. 6 is husband of applicant no. 5. Except applicant no. 4, all other sisters-in-law are married and they are staying separately at their matrimonial homes. They have not shared the house with the non-applicant. When the non-applicant came back to her matrimonial home in 2017, she was staying separately with her husband and, therefore, there is no question of sharing the house as per definition of Section 2(f) of the Domestic Violence Act, 2005. They are not in domestic relationship. There are no specific allegations against these applicants. She was staying with her husband separately and she has made *omnibus* allegations against the applicants, who are staying away from matrimonial house of the non-applicant, only to harass the family members of her husband, non-applicant has lodged the complaint and filed domestic violence petition, and therefore, prayed to set aside the proceedings filed by the applicant before Judicial Magistrate First Class Court, Mahagaon, District Yavatmal.

5. Learned counsel for the non-applicant opposed the application stating that the specific allegations are made against all the applicants. They were staying under the one roof and they harassed non-applicant. The role

attributed to each applicant required trial, hence, prayed to reject the application.

6. Heard both sides. It appears from the application and the complaint lodged by the non-applicant that she has mentioned the address of some of applicants as the same. They are staying away from the house of non-applicant and they are married sisters, therefore, it creates doubt about their residence in shared house.

7. The reliance is placed by the applicants on the judgment of this Court in ***Sanket Ravindra Dhonge and ors. Vs. State of Maharashtra and ors. [2021(3) Bom.C.R. (Cri.) 82]*** wherein relying on judgment of the Hon'ble Supreme Court, this Court observed as under :-

"9] The Hon'ble Supreme Court in case of (Satish Chander Ahuja Vs. Snehal Ahuja), reported in 2020 DGLS(SC) 573 : (2021) 1 S.C.C. 414, has specifically held in paragraph No. 68 as follows.

"68. The words "lives or at any stage has lived in a domestic relationship" have to be given its normal and purposeful meaning. The living of woman in a household has to refer to a living which has some permanency. Mere fleeting or casual living at different places shall not make a shared household. The intention of the parties and the nature of living including the nature of household have to be looked into to find out as to whether the parties intended to treat the premises as shared household or not. As noted above, 2005 Act has been enacted to provide for more effective protection of the rights of the women who are victims of violence of any kind occurring within the family. The Act has to be interpreted in a manner to effectuate the very purpose and object of the Act. Section 2(s) read with Section 17 and 19 of 2005 Act grants an entitlement in favour of the woman

of the right of residence under the shared household irrespective of her having any legal interest in the same or not."

8. Applicant nos. 2, 3 and 4, who are parents and unmarried sister-in-law have shared the house along with non-applicant but there are no specific allegations against applicant nos. 2 to 4. The general allegations are made against all the family members including the father-in-law and husband of one of sisters i.e. applicant no. 6. This is common tendency of the woman to implicate all the family members in domestic violence case without considering how and when they harassed her. As per complaint, she shared the same roof till 2016. Thereafter she went to stay with her parents and she withdrew the maintenance petition. She started staying with her husband. Her husband has also lodged the complaint against non-applicant as she used to give threats and used to leave the matrimonial house. The non-applicant has relied on judgment of the Apex Court in the case of ***Shaurabh Kumar Tripathi Vs. Vidhi Rawal [2025 SCC OnLine SC 1158]***. The Apex Court has directed to go slow while considering quashment in domestic violence proceedings.

The applicants were staying separately. When she left the matrimonial house, the married sisters-in-law were not staying with her in a shared house. It amounts to a clear abuse of process of law.

9. Considering the addresses given in this application, applicant nos. 5 to 8 were not living in same house. The specific allegations are made against the

husband and he is not the applicant here, the case is made out to quash the proceedings filed under Domestic Violence Act. The application is allowed.

10. Impugned proceedings i.e. PWDVA No. 23/2023 pending on the file of the Judicial Magistrate First Class Court, Mahagaon, District Yavatmal is quashed and set aside.

11. The application stands disposed of.

JUDGE

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