



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

CRIMINAL APPLICATION (APL) NO. 117 OF 2024

1. Sau. Vidhya Manohar Kumbharkar, (Sister-in-law)
Aged about 45 years,
Occupation: Household,
R/o. Behind Shymbosis College,
Wathoda Road, Nagpur.

2. Priyanka Namdeo Bhilkar, (Sister-in-law)
Aged about 35 years,
R/o. Ramna Maroti, Plot No.1,
Gadgebaba Nagar, Nagpur,
Tah. and Distt. Nagpur.

3. Sau. Sneha Sachin Shende, (Sister-in-law)
Aged about 32 years,
Occupation: Private Service,
R/o. Godbole Vasti, Maraji Road,
Pune, Tq. And Distt. Pune.

... APPLICANTS

...VERSUS...

Sau. Ashwini Tushar Bhilkar,
Aged about 25 years,
Occupation: Household,
R/o. C/o. Dadarao Kshirsagar,
Behind Sai Mangal Karyalaya,
Bawane Layout, Warora,
Tah. Warora, Distt. Chandrapur.

**...NON-APPLICANT/
RESPONDENT**

Mr. D. V. Mahajan, Advocate for Applicant.
Mr. S. U. Dable, Advocate for Non-applicant.

CORAM: MRS. VRUSHALI V. JOSHI, J.
JUDGMENT RESERVED ON: 20.04.2026
JUDGMENT PRONOUNCED ON: 28.04.2026

JUDGMENT: -

1. Heard.
2. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.
3. By filing the present application, the applicants invoke the inherent jurisdiction of this Court seeking quashing of the proceedings bearing Miscellaneous Criminal (PWDVA) Case No.48/2023, instituted under Section 12 of the Protection of Women from Domestic Violence Act, 2005, and presently pending before the learned Judicial Magistrate First Class, Warora, District Chandrapur.
4. The non-applicant has filed an application under Section 12 of the D.V. Act against the present applicants, her husband, and her mother-in-law, alleging that her marriage with Tushar, the brother of the present applicants, was solemnised on 23.04.2023. It is further alleged that after the marriage, the non-applicant resided for a few days with her husband, during which period she was subjected to mental and physical harassment by her husband, mother-in-law, and the present applicants. Consequently, she lodged the complaint against all the family members under the provisions of the D.V. Act. So far as applicant No.1, Priyanka, is concerned, the specific allegation is that she used to taunt the non-applicant by stating that insufficient gold had been given by her father at the time of marriage and would pick quarrels with her on that count.

5. The Learned counsel for the applicants submits that all the applicants were married long before the marriage of the non-applicant with her husband in the year 2023. Applicant No.1, Priyanka, was married on 13.02.2013, i.e., about ten years before the marriage of the non-applicant; applicant No.2, Vidhya, was married on 10.12.2000; and applicant No.3, Sneha, was married on 07.07.2014. It is contended that all of them are residing at their respective matrimonial homes and not with the non-applicant, which is not disputed. It is further submitted that, as per Section 2(q) of the D.V. Act, a “respondent” must be a person who is or has been in a domestic relationship with the aggrieved person. Reference is also made to Section 2(f) of the D.V. Act, which defines “domestic relationship” to mean a relationship between two persons who live or have, at any point of time, lived together in a shared household. Therefore, it is argued that the existence of a shared household is a sine qua non for initiating proceedings under the D.V. Act. In the present case, the applicants were married much before the marriage of the non-applicant and have been residing separately at their respective matrimonial homes; they have never shared a domestic relationship with the non-applicant. Therefore, the non-applicant cannot initiate proceedings against the applicants under the D.V. Act.

6. Learned counsel for the non-applicant opposed the application, submitting that there are specific allegations against all three applicants

to the effect that they subjected her to harassment and instigated disputes between the husband and wife. It is further contended that the applicants also provoked the mother-in-law to quarrel with the non-applicant. In view of these allegations, it is argued that a full-fledged trial is necessary. Hence, prayed to reject the application.

7. The application is filed under the D. V. Act. In order to determine the maintainability of the proceedings, it is necessary to consider the definition of “respondent” as provided under Section 2(q) of the D.V. Act, which means “any adult male person who is, or has been, in a domestic relationship with the aggrieved person.” It is, therefore, essential to examine the definition of “domestic relationship” under Section 2(f) of the D.V. Act.

Section 2(f) of the D.V. Act reads thus :

“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.”

8. As the applicants are sisters of the husband and are admittedly married, residing at their respective matrimonial homes, and have never lived with the non-applicant, the requirement of a “domestic relationship” under Section 2(f) of the D.V. Act is not satisfied. Section 2(f) contemplates a relationship between two persons who live or have,

at any point in time, lived together in a shared household when related by marriage. The key element of domestic relations is living together and the relationship by marriage. It requires cohabitation in a shared household, and mere relations without shared residence are insufficient.

9. Learned Counsel for the applicants has relied upon the judgments of this Court and the Hon'ble Apex Court in support of his argument. He has relied on the judgment of the Hon'ble Apex Court in the case of *Avinash Rangnath Bhokare and Ors. Vs. The State of Maharashtra [Criminal Application No.4281/2019]*, wherein it is observed therein that merely because the sisters occasionally visited their parental home, it cannot be said that they were sharing a household with the non-applicant within the meaning of Section 2(s) of the D.V. Act, to constitute a "domestic relationship" between the parties as defined under Section 2(f) of the D.V. Act.

10. In the case of *Srinwati Mukherji Vs. State of Maharashtra and Ors. [Writ Petition No.424/2025]*, the Court has observed in para 26, which reads as under :

"26. "Shared Household" is defined under Section 2(s) of the DV Act. Section 2(s) of the DV Act reads as under:

"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(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; 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;”

The applicants have also relied on the judgment in the case of *Prabha Tyagi Vs. Kamlesh Devi [(2022) 8 SCC 90]*, wherein the definition of aggrieved person and the respondent is also mentioned. As per the judgment of *Satish Chander Ahuja Vs. Sneha Ahuja [(2021) 1 SCC 414]*, wherein the Court has held that the expression “lives or at any stage has lived in a domestic relationship” must be accorded its ordinary and purposive meaning. The residence of a woman in a household must denote a degree of continuity and permanency; mere fleeting or casual visits at different places would not constitute a “shared household” within the meaning of the D.V. Act.

11. In view of the aforesaid judgments, it appears that the applicants do not fall within the definition of “respondents” under the D.V. Act. Consequently, the domestic violence complaint is not

maintainable against them. The mere fact that they are sisters of the husband cannot be a ground to array them as parties and initiate proceedings. As the complaint itself is not maintainable, and based on the said complaint, the proceedings are initiated, it requires to quash and set aside. Hence, the following order :

- i] The application is allowed.
- ii] The proceeding under the D.V. Act vide Misc. Criminal (PWDVA) Case No.48/2023 is hereby quashed and set aside against these applicants.

(MRS. VRUSHALI V. JOSHI, J.)