



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 1524 OF 2025

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| 1. | Sneha w/o Satish Matetwar
Aged about 40 years,
Occupation : Housewife
(Sister-in-law) | <u>APPLICANTS</u> |
| 2. | Satish s/o Prabhakar Rao Matetwar,
Aged about 44 Yrs. Occ. Service | |

// V E R S U S //

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| 1. | Prerna w/o Ashish Gundukwar,
Aged about 25 years,
Occ. Housewife,
R/o Sindewahi, Tah. Sindewahi,
Dist. Chandrapur | <u>NON-APPLICANT</u> |
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Mr. Minal P. Pullarwar, Advocate for the applicants.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 07.03.2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.

3. None appears for the non-applicant No.2 despite the service of notice.

4. The present application is preferred by the applicants who are the sister in law and husband of sister in law for quashing of the criminal complaint filed against them by the non-applicant bearing No.5/2025.

5. The non-applicant has filed an application under the provisions of Protection of Women from Domestic Violence Act, 2005 (herein after referred as D.V. Act.) against the applicants before the Judicial Magistrate First Class, Sindewahi seeking various reliefs including payment of maintenance and residence order, the compensation and other such reliefs.

6. The briefs facts which are necessary for the disposal of the present application are as under:-

The marriage of the brother of the applicant No.1 namely Ashish Gajanan Gundukwar was performed with the non-applicant on 14.07.2024. As per her allegations the co-accused Ashish has sent her friend request on instagram and thereby they got acquaintance with each other. Her husband has disclosed to her that he is drawing salary of Rs.60,000/- and also promised to

her that they would purchase a flat and thereafter they were residing at Nagpur. Thus, various false promises are given to her and thereafter the engagement was performed and marriage was also performed. It is alleged by her that after marriage she resumed the cohabitation at the house of her husband. Since the date of marriage she was ill treated by all the family members including parents of her husband and sister i.e applicant No.1. She alleged that the present applicants have harassed her physically as well as mentally and therefore, she constrained to leave the matrimonial house.

7. On the basis of the said complaint the learned Magistrate has taken the cognizance of the said complaint and issue summons against the present applicants.

8. Being aggrieved and dissatisfied with the same the present application is preferred by the applicants.

9. Heard learned counsel for the applicant who submitted that applicant No.1 is a sister of husband of non-applicant married long back and she is residing at her matrimonial house. There was no domestic relationship between non-applicant

and applicants which is sine qua none for maintaining her application under the provisions of the D.V. Act. It is further submitted that even from the contents of the application it is clear that no specific allegation is levelled against the present applicants and therefore, no case is made out as far as the Domestic Violence is concerned against the present applicants. She placed reliance on the order of this Court in Criminal Application No.434/2021 decided on 23.08.2021. She submitted that even accepting the allegation as it is, the definition of the domestic relationship is taken into consideration, admittedly the present applicants and non-applicant never resided in shared house hold as the applicant No.1 was residing after her marriage at Nagbhid, District Chandrapur. Whereas, the non-applicant was residing at Sindewahi, District Chandrapur. Thus, she submitted that Hon'ble Apex Court in the case of Satish Chander Ahuja vs. Sneha Ahuja reported in (2021) 1 SCC 414 has considered the issue and in view of the observation of the Hon'ble Apex Court no case is made out against the present applicants. In view of that application deserves to be allowed.

10. Despite service of notice none appears for the non-applicant.

11. After hearing both the sides and perusal of the allegations levelled against the present applicants in the Criminal Application No.5/25 which show that present applicant No.1 is the sister of the husband of the non-applicant. As per her allegations present applicants have also ill treated her physically as well as mentally. The entire application nowhere states that at what point of time they resided together and they shared household. The general and omnibus allegations are levelled against them. There is no dispute that the present applicant No.1 is married with applicant No.2 and resided at her matrimonial house prior to the marriage of the non-applicant. The definition of domestic relationship is given under Section 2(f) which reads as under:-

“ 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.”

12. Similarly the definition of shared household is given under Section 2(s) which reads as under:-

“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.

13. To exist domestic relationship between two persons, they ought to be living or ought have lived at any point in a shared household. The expression “shared household” is as defined above, to mean where the aggrieved person lives or at any stage had lived in a domestic relationship with the respondent.

14. Learned counsel for the applicants rightly relied upon the decision of the Hon’ble Apex Court in the case of *Satish*

Chander Ahuja Vs. Sneha Ahuja reported in ***(2021) 1 SCC 414***

referred supra wherein in paragraph No.68 it is observed that

“ 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 was enacted to give a higher right in favour of women. The 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.

15. Undoubtedly there are no allegations with specific instances as far as present applicants are concerned. In absence of prima-facie indication of domestic relationship between the parties the application filed by the non-applicant under the provisions of D.V. Act, 2005 cannot proceed further before the Magistrate. There can be no doubt about the fact that non-applicant may well be entitled to pursue proceedings initiated under the general criminal and civil laws for seeking redressal of her grievance. As far as present applicants are concerned, there is

absolutely no material to show that at any point of time they resided with the non-applicant and therefore, the proceeding against the present applicants filed by the non-applicant deserves to be quashed and set aside.

16. Hence, I proceed to pass the following order:-

ORDER

(i) The Criminal Application is allowed.

(ii) The D.V. proceeding bearing No.5/2025 pending in the Court of Judicial Magistrate First Class, Sindewahi, Chandrapur is quashed and set aside against the present applicants.

17. The criminal application stands disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)