

Misc.Criminal Application No.29/2018
(**CNR No.MHNG14-000165-2018**)
Sarika/Pralhad & others

ORDER BELOW EXH.11

(Passed on this 28th day of November, 2018)

1. The non-applicant nos.3 and 4 have filed this application for deleting their names from the instant prosecution. According to them, they are not supposed to be impleaded by the applicant, as they are neither related to her nor they fall under the definition of Protection of Women from Domestic Violence Act, 2005 (in short "**Act, 2005**").
2. The applicant has strongly opposed the application. According to her, she has been jointly illtreated by all the non-applicants. The application is not maintainable at this stage and required to be decided on merits.
3. Heard both the sides. Perused record.
4. At the outset, I would like to reproduce some important definitions laid down in section 2 of the Act, 2005. As per **section 2(f)** of the Act, 2005 term "domestic relationship" is defined. As per this section, "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, or marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. Similarly, as per **section 2(q)** of the Act, 2005 term "respondent" is defined. As per this section, "respondent" means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act. Similarly, as per **section 2(s)** of the Act, 2005 term "shared household" is defined. As per this section, "share household" means a household where the person aggrieved lives or at any stage

has lived in a domestic relationship either singly or alongwith 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, interest in the shared household.

5. But it is the case of applicant that the respondent no.3 is the cousin of her deceased husband and respondent no.4 is her relative and neighbour. Hence, if the above contention of applicant is tested on the touchstone of definitions of “domestic relationship”, “respondent” and “shared household” laid down in the Act, 2005, it is evident that neither there is any domestic relationship in between the non-applicant/respondent nos.3 and 4 and the applicant nor they have an occasion to live together at any point of time. Hence, the non-applicant nos.3 and 4 being not covered under the definitions laid down in section 2 of the Act, 2005, they cannot be impleaded in this proceedings. On this count alone, the instant application is liable to be allowed. In the result, I pass the following order:-

ORDER

- 1) The application at Exh.11 is hereby allowed.
- 2) The names of non-applicant/respondent nos.3 and 4 are hereby deleted from the array of non-applicants/respondents.
- 3) Matter to proceed against other non-applicants.

Place : Parseoni
Date : 28.11.2018.

(S.D.Wankhede)
Judicial Magistrate First Class,
Parseoni, Dist.Nagpur.

Argument heard on	28.11.2018
Order passed on	28.11.2018
Transcription ready on	28.11.2018
Order checked and signed on	28.11.2018

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are word to word, as per original order.

Name of Stenographer-Abhijit Yeshwant Kulkarni