

	Pratiksha Sandip Bhor Vs. Sandip Vitthal Bhor
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ORDER BELOW EX.17 IN PWDVA NO.5/2024

This is an application filed by respondent No.2 and 3 and prayed for discharge them.

2. It is submitted by respondent No.2 and 3 that with intention to harass them the applicant has made false allegation of Domestic Violence against them. It is further submitted that respondent No.2 and 3 have not committed any act of Domestic Violence, therefore, no prima facie allegations of Domestic Violence made out against them. It is further submitted that they are old aged and suffering from illness. Respondent No.2 is retired from his service and resides at village Avsari Khurd along with respondent No.3. They were residing separately from applicant No.1 and respondent No.1, therefore, no question arises regarding Domestic Violence committed on applicant. Applicant has filed this false application against them. On these grounds they have prayed for discharge them.

3. Applicant has filed her say at Exh.19 and strongly opposed this application. She has contended that she has mentioned specific allegation of Domestic Violence against respondent No.2 and 3 in the main application. It is further submitted that respondent No.2 and 3 have committed Domestic Violence on her as contended in the main application.

4. Perused the application and say filed thereon. Heard, both side.

5. According to respondent No.2 and 3 they have not committed any type of Domestic Violence on applicant. It is further their contention that they were residing separately from applicant and respondent No.1. The applicant has filed this false application against them with intention to harass them. It is argued on behalf of respondent No. 2 and 3 that respondent No.2 and 3 were resides separately from applicant and respondent No.1, therefore, there is no domestic relationship between applicant and respondent No.2 and 3. It is further submitted that in absence of domestic relationship applicant has no right to claim any relief against respondent No. 2 and 3. On this point Ld. Advocate for the respondent No. 2 and 3 relied on judgment of Hon'ble Bombay High Court in case of Rashmi Mehrotra Vs. Manvi Sheth, decided on 01/02/2024. It is further submitted that if there is no ground to proceed against respondents, the magistrate is empower to drop the proceeding against such respondents. On this point he relied on judgment of Hon'ble Bombay High Court in case of Mohd. Hussain Vs. Shabnam Ara, decided on 20/09/2022.

6. On the contrary, Ld. Advocate for the applicant has argued that the applicant has specifically made allegation against respondent No.2 and 3 regarding Domestic Violence committed by them on her. It is further argued that whether such allegation of Domestic Violence are false or not is matter of trial. It is further submitted that at this stage the proceeding cannot be dropped or respondent No.2 and 3 cannot be discharged on the ground submitted by respondent No.2 and 3.

7. I have gone through the allegations made by applicant in main application. Hon'ble Bombay High Court in case of **Mohd.**

Hussain (cited supra) it is observed in para No.7 that *in view of aforesaid discussion and the law on the subject, it is clear that the Magistrate has power to revoke the proceedings initiated against a person in terms of Section 12 of the D.V. Act, if and when the Magistrate finds that there is no ground to proceed against such person.*

8. As per aforesaid judgment of Hon'ble High Court if there is no ground to proceed, the Magistrate is empowered to drop the proceedings against respondents. Therefore, it is necessary to see whether there are grounds made out or not in the main application to proceed against respondent No.2 and 3. It appears from the main application that applicant has specifically pleaded that after her marriage with respondent No.1 she went for cohabitation at Bhosari and were all respondent No.1 to 7 were resides jointly. It is further alleged that respondent No.1 having addiction of liquor and under influence of liquor he was beating her. It is further alleged that when she informed about addiction of respondent No.1 to respondent No. 2 to 7 she came to know that respondent No.1 having such addition since prior to the marriage. It is further alleged that respondent No.1 has refused to take education. When applicant asked about the same to respondent No.3, respondent No.3 has beaten her. In the main application the applicant has specifically made allegations of Domestic Violence against all respondents. It also appears from the main application that when alleged Domestic Violence committed on applicant, all respondents and applicant were residing jointly in shared household.

9. From the contentions made by applicant it is clear that there was domestic relationship between applicant and respondent

No.2 and 3. Therefore, the judgment relied by respondent No.2 and 3 in case of Rashmi Mahrotra (cited supra) is not helpful to them. It also appears from the main application that the applicant has made specific allegation of Domestic Violence against respondent No.2 and 3 also. The said allegations are false or not are the matter of trial. At this stage it cannot be said that the said allegations are false. Therefore, it is clear that there is domestic relationship between applicant and respondent No.2 and 3. It is also clear that there are specific prima facie grounds to proceed against respondent No.2 and 3 also. Considering the aforesaid facts of the case, it appears that the present application having no merit and liable to be rejected. Hence, I proceed to pass the following order :-

ORDER

Application Exh. 17 is hereby rejected.

Date :- 02/07/2026
Ghodegaon

(Santosh L. Vaidya)
Judicial Magistrate First Class
Ghodegaon Dist. Pune.

CERTIFICATE

I affirm that the contents of this PDF file Judgment are same word to word as per original Judgment.

Name of Stenographer	:	R. K. Shengule,
Name of Court	:	Shri. S. L. Vaidya, Jt. Civil Judge Junior Division & J.M.F.C., Ghodegaon, Tal- Ambegaon, Dist- Pune.
Date of Order	:	02/07/2026
Date PO Signed	:	02/07/2026
Date of PDF/Upload	:	02/07/2026