

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.372 OF 2017

Smt Sonal Rasseek Hariyaa .. Applicant

Vs

The State of Maharashtra & Anr. .. Respondents

...

Ms. Racheeta Rajendra Dhuru for the Applicant.

Mr. H.J. Dedhia, A.P.P. for the State.

Mr. Robin Jaisinghani with Jacinta D'silva for Respondent No.2.

CORAM: SMT. BHARATI DANGRE, J.

DATED : 23RD SEPTEMBER, 2019.

P.C:-

1. The present Application is filed by one Mrs. Sonal Rasseek Hariyaa, who has been named as Respondent No.3 in the Complaint instituted by Mrs. Pinky Rushabh Parekh, who is married to Mr. Rushabh Sudhir Parekh, the brother of the present Applicant.

2. Learned counsel for the Applicant has invited my attention

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to the Complaint instituted before the Metropolitan Magistrate Court at Andheri under Sections 12, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, which seeks several reliefs under the said enactment.

3. On perusal of the Complaint, it is clear that there are no allegations specifically levelled against the Applicant and learned counsel for Respondent No.2 very fairly conceded to the said position.

4. The position that emerges is that the Applicant was married prior to the marriage between the Complainant and Respondent No.1 was solemnized and she was always residing separately from the marital household of the Complainant. To attract the provisions of the Protection of Women from Domestic Violence Act, 2005, a relationship which is in the nature of a domestic relationship as defined under Section 2(f) of the said enactment has to be established. Since it is not in dispute that the present Applicant is not sharing the common household with the Complainant, there is no justification in continuing the present proceedings against the present Applicant.

5. In the light of the aforesaid position, the proceedings initiated against the Applicant in the Complaint bearing No.CC/DV/13 No. 2017 pending before the Court of

Metropolitan Magistrate at Andheri are liable to be quashed and set aside and they are accordingly quashed.

6. Writ petition is allowed in terms of prayer clause (b). No order as to costs.

(SMT. BHARATI DANGRE, J.)