

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

904 CRIMINAL APPLICATION NO.1557 OF 2021

**SAYYED MUDASSIR S/O. SYED MAHEMOOD AND OTHERS
VERSUS
SAMRIN FIRDOS W/O. SAYYED MUDASSIR**

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Advocate for Applicants : Mr.V.C. Patil Ashtekar
Advocate for Respondent : Mr.Shaikh Tarek Mobin H.

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CORAM : N.R. BORKAR , J.

DATE : 26th October, 2021.

P. C. :

1. The respondent herein has filed an application under the provisions of the Protection of Woman from Domestic Violence Act, 2005 for various reliefs. By this application under Section 482 of the Code of Criminal Procedure (for short "Cr.P.C.") a prayer is made to quash the said proceedings.

2. I have heard the learned counsel for the applicants and the learned counsel for the respondent/original complainant.

3. The respondent is the wife of applicant No. 1. The applicant Nos. 2 to 7 are the relatives of applicant No. 1. Learned counsel for the applicants submits that on instructions he is not pressing the present application in respect of applicant No. 1. The

application is thus dismissed to the extent of applicant No. 1.

4. As regards the applicant Nos. 2 to 7, the learned counsel for the applicants submits that omnibus allegations are made against them. It is submitted that respondent and the applicant No. 1 were residing at Mumbai. It is submitted that no relief is claimed against the applicant Nos. 2 to 7 and they have been made party just to harass them. It is submitted that considering these facts and circumstances, application filed by the respondent needs to be quashed as against the applicant Nos. 2 to 7.

5. On the other hand, learned counsel for the respondent herein submits that the respondent was ill-treated on account of demand of money even by the applicant Nos. 2 to 7. It is submitted that there are specific allegations against the respondent Nos. 2 to 7 and therefore, application filed by the respondent against applicant Nos. 2 to 7, may not be quashed.

6. I have perused the application filed by the respondent. The applicant No. 4 is married sister-in-law and the applicant No. 5 is the husband of applicant No. 4. Omnibus allegations of ill-treatment are made against applicant Nos. 2 to 7 without mentioning even a single specific incident against them. According to the respondent

herein, she was subjected to domestic violence, however, there is no prayer for the protection order and the only prayer is for monetary relief. Considering these facts and circumstances, following order is passed :

ORDER

- a. Application is partly allowed.
- b. The application filed by the respondent under the provisions of Protection of Woman from Domestic Violence Act , (PWDVA Application No. 16 of 2021) is quashed to the extent of the applicant Nos. 2 to 7.

**(N.R. BORKAR)
JUDGE**

mahajansb/