

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

**CRIMINAL WRIT PETITION NO. 248 OF 2022**

Rafiuddin Raja Syed  
and others

.. Petitioners

Versus

Saniya Asim Syed and another

.. Respondents

Mr. Sohail Subhedar, Advocate h/f Mr. Nilesh S. Ghanekar, Advocate for the Petitioners.

Mr. R. K. Temkar, Advocate for Respondent Nos. 1 and 2.

**CORAM : KISHORE C. SANT, J.**

**DATED : 18<sup>th</sup> JANUARY, 2023.**

**P. C. :-**

. At the outset, learned advocate for the petitioners seeks permission to withdraw the writ petition to the extent of petitioner Nos. 1, 2 and 3 and he is pressing the petition only for petitioner Nos. 4 and 5 who are respondent Nos. 5 and 6 in the original application filed under the provisions of Protection of Women from Domestic Violence Act (for short "Domestic Violence Act"). The petitioner No. 4 is wife of brother in law of respondent-wife and petitioner No. 5 is sister in law of respondent-wife.

2. The respondent-wife filed an application bearing Criminal Misc. Application No. 1214/2021 in the Court of learned Chief Judicial

Magistrate, Ahmednagar seeking reliefs under Sections 18, 19, 20(1) (d), 21 and 23 of the Domestic Violence Act. She has made various allegations against the respondents in the Criminal Application. There appears to be allegations against all the respondents in the complaint.

3. It is submitted by the learned advocate for the petitioners that, the present petitioner Nos. 4 and 5 are residing at different places. The petitioner No. 4 is residing at Mumbai and she is a Doctor by profession. The petitioner No. 5 is married sister of husband and is residing at Satara. She is also a Doctor by profession. From looking to the allegations in the application, it seems that, so far as these petitioners are concerned, no specific allegations are seen. Even in the complaint, it is stated that, petitioner No. 5 used to come home occasionally. Looking to the allegations, it does not appear to be attracting the provisions of Domestic Violence Act as it is the reliefs prayed against the husband, mother in law and father in law. Admittedly, mother in law and father in law that is petitioner Nos. 1 and 2 are residing at Shrirampur where the cause of action has taken place.

4. Learned advocate Mr. Temkar for respondents vehemently opposes the petition stating that there are specific allegations even against petitioner Nos. 4 and 5 by inviting attention of this Court to

paragraph Nos. 8 and 9 of the criminal application.

5. As observed by this Court in earlier paragraphs, the allegations against the petitioner Nos. 4 and 5 appear to be vague and are made only to attract the provisions of the Act. No purpose would be served by prosecuting them and to their extent the proceeding would be an abuse of process of law.

6. Considering this, the petition is allowed only to the extent of petitioner Nos. 4 and 5 in terms of prayer clause (B).

7. The writ petition is thus disposed off.

( KISHORE C. SANT, J. )

PS.B.