

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1244 OF 2022

Rushikesh s/o Madhukarrao Ajabe
& others

Applicants

Versus

Swati w/o Rushikesh Ajabe & another

Respondents

Mr. B. K. Patil, Advocate holding for Mr. R. U. Hanwate, Advocate for
the applicants.

CORAM : R. M. JOSHI, J.

DATE : 5th JULY, 2023.

PER COURT :

1. At the outset, when this Court has shown disinclination to grant relief to applicants No. 1 to 3, learned counsel for the applicants on instructions seeks leave to withdraw application to the extent of these applicants.

2. Applicants have preferred this application seeking quashment of Criminal Misc Application No. 675/2019 filed by respondent/wife against them under the provisions of Protection of Women from Domestic Violence Act, 2005.

2. Learned counsel for the applicants submits that complaint lodged under Section 12 of Protection of Women from Domestic Violence Act by respondent herein does not make specific allegation against the applicants and prima facie, no case is made out by her about causing domestic violence to her.

3. Learned counsel for the respondents states that there are allegations against respondents No. 8 and 9 which indicate that they were staying together with the respondents herein.

4. For the purpose of attracting provisions of Protection of Women from Domestic Violence Act, the person should be in domestic relationship in order to file complaint against him. Perusal of the application filed by respondent/wife before the Magistrate does not show specifically that respondents No. 4 to 9 were staying along with the applicant/respondent herein and that they shared household with her. Unless such averment is made, there is no propriety in going into the other allegations levelled by the respondent against them. In view of this, case is made out for quashment of the proceedings against respondents No. 4 to 9.

5. In view of above, Criminal M. A. No. 675/2019 stands quashed and set aside qua applicants No. 4 to 9 only.

6. Application stands disposed of in above terms.

(R. M. JOSHI)
Judge

dyb