

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

32 CRIMINAL APPLICATION NO.2746 OF 2022

**GULAMMUHAMMAD KHAN S/O. ABDULSALEEM KHAN AND OTHERS
VERSUS
SUHANA W/O. SHAHERIYAR KHAN**

Mr.Amol S. Gandhi, Advocate for the applicants.

Mr.S.B. Choudhari, Advocate for sole respondent.

**CORAM : KISHORE C. SANT, J.
DATED : 24.02.2023**

PC :-

01. Heard learned Advocate for the applicants. This is an application for quashing of the proceedings under the Protection of Women from Domestic Violence Act instituted by the respondent. Applicant No.1 is father-in-law, applicant No.2 is mother-in-law and applicant No.3 is brother-in-law of the respondent.

02. The respondent filed Cri.M.A. No.1052 of 2021 in the Court of Judicial Magistrate, First Class, Beed. The allegations are that the husband who is not present before this Court and the applicants have driven the respondent out of the house. It is further alleged that there was demand of Rs. 2 lakhs by the husband at the instigation of these applicants. However, the allegations are general in nature except applicant No.2. Very specific allegations against applicant No.2 is that she used to beat the respondent, whenever the the respondent used to try to contact her father on mobile.

03. The learned Advocate for the applicants vehemently submits that there are no allegations against any of the applicants or allegations are only against husband who is not before this Court. The allegations are general in nature and are vague. To continue the proceedings under such circumstances would be an abuse of process of law and prays for quashing of the proceedings.

04. The learned Advocate for the respondent vehemently opposed the application. He submits that the all the applicants are residing with the respondent and her husband. The husband used to illtreat and commit acts of domestic violence only on the instigation of these applicants. All the respondents in the said proceedings driven her out of the home. She then specifically alleged that the mother-in-law even did not allow the respondent to contact her father on phone. Though she is very much desired to stay with the husband, it is the applicants who prevail upon the husband. Therefore, the respondent could not reside with the husband.

05. The learned Advocate for the applicants submits that in-fact they are not residing in one house by producing copy of ration card wherein the applicant Nos.1 and 2 are not shown to be members of family.

06. Considering the application and the allegations, this Court finds that against applicant Nos.1 and 3, there are no specific allegations. The allegations are general. They lack certainty as regards the date, time and specific act of domestic violence. So far as applicant No.2 is concerned, there

are at least some allegations which prima facie show that there were instances of domestic violence at her hands. This Court, therefore, finds that the application can be allowed only to the extent of applicant Nos. 1 and 3.

07. Criminal Application is allowed to the extent of applicant Nos. 1-Gulammuhammad Khan and applicant No.3-Shams Khan.

08. Criminal Application stands rejected to the extent of applicant No.2-Saira Begam.

09. The proceedings of Cri. M.A. No.1052 pending before the Court of Judicial Magistrate, Beed, stands quashed and set aside so far as present applicant Nos. 1-Gulammuhammad Khan and applicant No.3-Shams Khan.

10. The criminal application, thus, partly allowed and disposed off.

[KISHORE C. SANT, J.]