

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

**904 CRIMINAL APPLICATION NO.3094 OF 2022**

**TAUHEED GULREJ S/O. WAHEEDODDIN SAUDAGAR AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.H.I. Pathan, Advocate for the applicants.

Mr.P.M. Kulkarni, APP for the respondent/State.

Mr.Shaikh Wajeed Ahmed, Advocate for respondent No.2.

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

**PC :-**

01. This application is filed for quashing of the proceedings lodged by respondent No.2 under the Protection of Women from Domestic Violence Act bearing PWDVA No.97 of 2017 pending in the Court of learned Judicial Magistrate, First, Class, Nanded. Applicant No.1 is husband of respondent No.2, applicant Nos. 2,3 and 5 are brothers-in-law, applicant Nos.4 and 9 are married sisters-in-law, applicant No.6 is mother-in-law, applicant Nos.7 and 8 are maternal uncles of husband of respondent No.2. On looking to the complaint, it is seen that no specific allegation is made against the applicants except applicant Nos.1,5 and 6, who are husband, brother-in-law and mother-in-law of respondent No.2. Against other brothers-in-law, allegation is that when respondent No.2 was staying in Jeddah in Saudi Arabia with her

husband, they used to give taunts saying that she happened to be a girl from lower class family and she happened to be a daughter of a peon. Except that there are no allegations against others are concerned, much less, specific allegations. As the complaint is in respect of allegations of the acts which are taken place outside the area, they cannot be considered without prior sanction under section 188 of the Cr.P.C. On that count also this Court finds that the application needs to be allowed in respect of applicant Nos.2 and 3. This Court finds that continuance of proceeding against the applicants would be an abuse of process of law as no case is made out against them.

02. In view of that the application is partly allowed only to the extent of applicant Nos. 2,3,4,7,8 & 9.

03. So far as applicant Nos.1,5 and 6 are concerned, their application is rejected.

04. Looking at the fact that the proceeding is filed in 2017 and still it is pending, it is expected of the Trial Court to decide the proceeding as early as possible and within a period of six months from today.

05. With this, the application stands disposed off.

06. The Trial Court shall not be influenced by the observations of this Court.

**[KISHORE C. SANT, J.]**