

Ghuge

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.6056 OF 2021

Zareef Ahmed Shaikh ... Petitioner
V/s.
Rubina Zareef Ahmed Shaikh and Anr ... Respondents

Mr. A.A. Maniyar for the petitioner.

Mr. Khushnood Akhtar a/w Mr. Saeed Akhtar for
respondent No.1.

Mr. Arfan Sait, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 14, 2023

P.C.:

1. The maintainability of complaint under the provisions of Domestic Violence Act, 2005 has been challenged mainly on the ground, that wife has filed two complaints seeking same reliefs.
2. On perusal of the first complaint it appears that relief claimed are in relation to Decree of Divorce under the provisions of Muslim Marriage Act; permanent custody of child and maintenance.
3. Second complaint has been filed under the section 18 of the Domestic Violence Act, 2005 seeking relief of direction to admit daughter in nearby school; provide maintenance.
4. On perusal of the reliefs, the both petitions are essentially different though there may be overlapping of relief of maintenance

but that does not entitle the petitioner to seek quashment of complaint on the ground that the second petition is for same relief.

5. Therefore, there is no merit in the writ petition. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)