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

CRIMINAL APPLICATION NO.585 OF 2024

1. Shahabaj Habibu Rahman Phulmamdi
2. Shahrukh Habibu Rahman Phulmamdi
3. Habibu Rahman Hasansab Phulmamdi
4. Sayara Banu Habibu Rahman Phulmamdi

VERSUS

Halimabi alias Halima Ismail Sayyed

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Mr Pramod B. Gapat, Advocate for Applicants

Mr Pathan Ziya Jakeriya, Advocate for Respondent

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 01 OCTOBER 2025

ORDER :

1. By this application, the applicants are praying for quashing and setting aside the proceedings bearing No.PWDVA No.15/2023 filed by respondent before the learned Chief Judicial Magistrate, Osmanabad, District Osmanabad under Section 12, 17, 18, 19, 20 and 22 of the Protection of Women From Domestic Violence Act, 2005.

2. According to the applicants, marriage of applicant No.1 and respondent was solemnized as per Muslim religion on 17/07/2022.

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On 13/08/2025, respondent on her own left matrimonial house without intimating anybody. On 16/11/2022, applicant No.1 filed complaint with Police Station, Kondhwa, Pune against respondent. On 27/07/2023, respondent filed application under Section 12, 17, 18, 19, 20 and 21 of the Protection of Women From Domestic Violence Act, 2005 against the applicants herein, against which, the applicants have approached this Court.

3 Respondent made prayers in the proceedings before the learned Judicial Magistrate First Class in PWDVA No.15/2023 to grant her Rs.15,000/- maintenance and also to get her independent room on rental basis. Alongwith said prayers, she has also made other prayers as regards medical expenses and compensation of Rs.10,00,000/-.

4. Learned Advocate for the applicants submits that marriage between applicant No.1 and respondent had taken place on 17/07/2022 and within a period of 26 days she left her matrimonial house. He further submits that the domestic violence proceedings against the applicants are illegal and filed with an intention to harass them and extract money from them. It is the case of applicant Nos.2 to 4 that they were staying at different places and they had not even in contact with respondent. Since applicant Nos.2 to 4 were not living with

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respondent No.2, therefore, the complaint lodged against them is baseless and false. There are general and omnibus allegations of harassment against them. He, therefore, prayed for allowing this application.

5. Per contra, learned Advocate for the respondent strongly opposes the application and prays for rejection of the same.

6. I have gone through the submissions made by the learned Advocates for the parties and the material available before this Court. Looking to the period of staying together by married couple i.e. applicant No.1 and respondent, since applicant Nos.2 to 4 are staying at different places, it cannot be said that applicant Nos.2 to 4 are involved in the commission of offences of domestic violence. Even though respondent is claiming maintenance, respondent Nos.2 to 4 are not liable to pay maintenance to respondent.

7. However, considering averments made in the proceedings initiated by the respondent, I am prima facie of the view that the case against applicant No.1 is made out. Therefore, learned counsel for applicant No.1, upon instructions, seeks permission to withdraw instant application to the extent of applicant No.1 only. As such, this

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application is dismissed as withdrawn insofar as applicant No.1 is concerned.

8. Insofar as applicant Nos.2 to 4 are concerned, in view of the above discussion, the case for quashing of proceedings is made out. Therefore, the instant application is allowed to the extent of applicant Nos.2 to 4. Hence, I pass the following order :-

ORDER

1. The present Criminal Application is partly allowed to the extent of applicant Nos.2 to 4.
2. The proceedings bearing No.PWDVA No.15/2023 filed by respondent before the learned Chief Judicial Magistrate, Osmanabad, District Osmanabad under Section 12, 17, 18, 19, 20 and 22 of the Protection of Women From Domestic Violence Act, 2005, are quashed and set aside to the extent of applicant Nos.2 to 4.
3. The criminal application is dismissed as withdrawn to the extent of applicant No.1.

[SUSHIL M. GHODESWAR, J.]