



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

CRIMINAL APPLICATION NO.1043 OF 2024

1. Rizwan s/o Mohammad Rafique
Shaikh (Husband).
2. Mohammad Rafique s/o Aziz Shaikh
(Father-in-law)
3. Hamida w/o Mohammad Rafiq Shaikh
(Mother-in-law)
4. Nazmin w/o Afzal Shaikh
(Sister-in-law)
5. Afzal s/o Munaf Shaikh
(Brother-in-law)

...APPLICANTS

Versus

1. Uzma Bi w/o Rizwan Shaikh.
(complainant)
2. Uzair s/o Rizwan Shaikh
(Since minor, under guardianship of mother).

...RESPONDENTS

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Shri Vaibhav Kulkarni, Advocate for the applicants.

Shri Amol A. Pawar, Advocate h/f Shri Atmaram J. Patil,
Advocate for the respondents.

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CORAM : SUSHIL M. GHODESWAR, J.

Reserved on : 10 September, 2025

Pronounced on : 15 September 2025

ORDER :-

1. By this application filed under Section 482 of the
Code of Criminal Procedure, the applicants have prayed for

quashing and setting aside the proceedings bearing PWDVA No.252/2023 filed by the respondents before the learned Judicial Magistrate, First Class, Jalgaon, under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the said Act').

2. This application in respect of applicant Nos.1 to 3, namely, i.e. Rizwan s/o Mohammad Rafique Shaikh (Husband), Mohammad Rafique s/o Aziz Shaikh (Father-in-law) and Hamida w/o Mohammad Rafiq Shaikh (Mother-in-law), has already been disposed of as withdrawn vide order of this Court dated 07.03.2024 at the time of issuance of notice to the respondents.

3. This application is, therefore, being considered for rest of the applicants i.e. applicant Nos.4 and 5, namely, Nazmin w/o Afzal Shaikh (Sister-in-law) and Afzal s/o Munaf Shaikh (Brother-in-law).

4. In the proceedings filed by the respondents under the said Act, it is alleged that respondent No.1 got married to applicant No.1 (Rizwan) on 24.02.2019 as per Islamic rites and rituals. The couple blessed with a son i.e. respondent No.2, who is residing with respondent No.1. When respondent No.1 went to

cohabit with applicant No.1, at that time, the applicants alleged to have demanded one bullet motorcycle and air-conditioner. Applicant No.1 (husband) is alleged to have also beaten respondent No.1 just after eight days of the marriage. There used to be frequent quarrel between her and her husband. It is alleged that her in-laws used to demand Rs.10 lac for opening medical shop. The allegations against applicant Nos.4 and 5 are of general nature. Applicant No.4 is the sister of applicant No.1 (husband) and applicant No.5 is the husband of applicant No.4 i.e. brother-in-law of applicant No.1. On the basis of such allegations, the respondents have filed the proceedings on 21.11.2023 before the learned JMFC, Jalgaon under the said Act.

5. The learned advocate for the applicants submitted that the allegations of domestic violence against these applicant Nos.4 and 5 are false and they have never committed any domestic violence against respondent No.1 and they have not made any demand of money. Applicant Nos.4 and 5 were never in domestic relationship with respondent No.1. They have been deliberately roped into this matrimonial dispute with *mala fide* intention in order to affect service career of applicant No.5, who

is in employment working as Constable in the Central Industrial Security Force (CISF), Camp at Sonegaon, Nagpur. Respondent No.1 has also addressed the communication dated 27.03.2024 to the Commandant CISF, Unit Camp, Sonegaon, Nagpur, alleging therein that applicant No.5 is involved in domestic violence against respondent No.1. The learned advocate for the applicants, therefore, prayed for quashing of the proceedings initiated by respondent No.1.

6. *Per contra*, the learned advocate for the respondents opposed the prayer of applicant Nos.4 and 5 by contending that the complaint discloses harassment and ill-treatment given to respondent No.1 at the behest of applicant Nos.4 and 5. They were instrumental in harassing respondent No.1 and also used to instigate the husband of respondent No.1. The learned advocate, therefore, stressed for rejection of the instant application.

7. With the assistance of the learned advocates for the respective sides, I have perused application filed by the applicants and the reply filed by respondent No.1. After hearing the learned advocates, it is clear that the allegations against applicant Nos.4 and 5 are of general nature. No specific incident

or act allegedly to have been committed by them, has been stated in the application made by respondent No.1 under the said Act. Applicant No.5 is in service in the CISF and issuance of the communication dated 27.03.2024 directly to the Commandant of the CISF, Sonegaon, Nagpur, discloses the motive of respondent No.1 to affect the service career of applicant No.5. There are no any other specific allegation against applicant Nos.4 and 5 and it appears that they have been unnecessarily dragged into this matrimonial dispute. In view of this, I pass the following order:-

ORDER

This application in respect of applicant Nos.4 and 5, namely, Nazmin w/o Afzal Shaikh and Afzal s/o Munaf Shaikh, is allowed and to their extent, the proceedings bearing PWDVA No.252/2023 filed by the respondents before the learned Judicial Magistrate, First Class, Jalgaon, under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005, are quashed and set aside.