



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO.467 OF 2025**

Majid Akbar Khan ... Petitioner  
versus  
Shagufta Abdul Samad Shaikh and Ors. ... Respondents

Mr. Sushil Inamdar, for Petitioner.  
Mr. Yogesh Dabke, APP for State.

**CORAM: N.J.JAMADAR, J.**

**DATE : 11 MARCH 2025**

**P.C.**

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to a judgment and order dated 16 October 2024 passed by the learned District Judge, Pune, in Criminal Appeal No.362 of 2022, whereby the appeal preferred by the Petitioner – opponent No.3 against the order directing the opponents to file an affidavit of assets and liabilities came to be dismissed.
3. Respondent No.1 is the sister of the Petitioner. Respondent No.2 is the minor daughter of Respondent No.1. Respondent Nos.1 and 2 had filed a proceeding under the Protection of Women from Domestic Violence Act, 2005 against the Petitioner, his wife – opponent NO.4, brother Mujahid – Opponent No.1, and the latter’s wife - opponent No.2, alleging that the opponents were in possession of the house property, of which her father late Akbar Khan was the original holder. Respondent No.1 had a share and interest in the said

property. Respondent Nos.1 and 2 were kept out of the said property. The opponents subjected the Respondent Nos.1 and 2 to domestic violence. In the said proceeding, learned Magistrate passed an order directing the opponents to file affidavit in respect of assets and liabilities, as the Respondents had prayed for an order to restrain the opponents from alienating the said property.

4. Aggrieved, the Petitioner preferred an appeal before the learned Sessions Judge. By the impugned order, the learned Sessions Judge was persuaded to dismiss the appeal observing that since the said property was alleged to be the shared household and devolved from late Akbar Khan, father of the Petitioner and Respondent No.1, a direction to file affidavit of assets and liabilities was just and proper.

5. Mr. Inamdar, learned Counsel for the Petitioner would urge that from the very averments in the application before the learned Magistrate, it becomes evident that the Respondent No.1 had been residing separately from the opponents since her marriage. Therefore, it cannot be said that there was any domestic relationship between the parties. The Courts below, therefore, could not have directed the opponents to file the affidavit of assets and liabilities. Reliance was placed on a decision of the Delhi High Court in the case of Vijay Verma V/s. State of NCT of Delhi and Anr.<sup>1</sup>, wherein it was

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1 AIR 2011 (NOC) 171 (Del.)

held that where a family member leaves the shared household to establish his own household, and actually establishes his own household, he cannot claim to have a right to move an application under Section 12 of Protection of Women from Domestic Violence Act on the basis of domestic relationship. Domestic relationship comes to an end once the son along with his family moved out of the joint family and established his own household or when a daughter gets married and establishes her own household with her husband.

6. It is pertinent to note that what has been challenged in this Petition is a direction to file an affidavit. The Petitioner, it does not seem, had challenged the tenability of the application under Section 12 of the Act, 2005 on the ground of absence of domestic relationship. Had there been such a challenge, the submission sought to be canvassed by the learned Counsel for the Petitioner could have been considered. A direction to file an affidavit of assets and liabilities in the context of the allegation that the property in the occupation of the opponents is a shared household, devolved from the father of Respondent No.1 and Opponent Nos.1 and 3, is not such as to warrant interference in exercise of writ jurisdiction. The Writ Petition, therefore, does not deserve to be entertained.

7. The Writ Petition stands dismissed.

**( N.J.JAMADAR, J. )**