

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

CRIMINAL APPLICATION NO.2492 OF 2015

Shamsunder Shankar Khamkar
Age 50 years, Occu. Service,
R/o Kharvandi road, Sonai,
Taluka Newasa,
District Ahmednagar

..Applicant

Versus

1. The State of Maharashtra
2. Sau. Lata @ Mangal Shamsunder
Khamkar, Age 43 years,
Occu. Nil, R/o Nandanvannagar,
Bolhegaon Police Colony,
Taluka and Dist. Ahmednagar

..Respondents

Mr A.B. Kale, Advocate for applicant
Mr R.P. Phatke, A.P.P. for respondent No.1
Mr N.C. Garud, Advocate for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 27th August 2015

PER COURT

Heard.

2. The present applicant is non-applicant in Case No.1125/2014 initiated before the Judicial Magistrate, First Class, Ahmednagar by present respondent No.2, Sau. Lata seeking, protection under Section 12 of the Domestic Violence Act, 2005. Amongst other, while questioning the tenability against present applicant, the applicant has raised objection as regards applicability of the Act to the present applicant in the background of denial of relationship with the respondent No.2 herein.

3. It is an admitted position on record that the learned Judicial Magistrate, First Class has issued notice to the present applicant and applicant has to open his case before the said Court.

4. In my opinion, it will be appropriate to dispose of the present applicant with liberty to the applicant to canvass his defence/grievance before the learned Judicial Magistrate, First Class, Ahmednagar who is duty bound to consider the claim sought to be put forth before this Court in the present proceedings.

5. With above observations and liberty, the present application stands disposed of.

(N.W. SAMBRE, J.)

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