

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**Criminal Application (APL) No.795 of 2014**

Ashok Suresh Bhosale and others.

-Vrs.-

Sau. Richa w/o Ashok Bhosale.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Shri D.V. Mahajane, advocate for applicants.  
Shri Govind Gurve, advocate for respondent.

**CORAM : B.P. DHARMADHIKARI AND**  
**P.N. DESHMUKH, JJ.**

**DATED : 10<sup>th</sup> JUNE, 2015**

Heard.

Grievance is the complaint of which cognizance is taken by learned Judicial Magistrate, First Class does not make out any case against applicant no.1 husband and in any case against other applicants who are parents of applicant no.1 and his sister. Shri Mahajan submits that report submitted by the Protection Officer has been treated as complaint and it is very cryptic. He has relied upon judgment dated 19.11.2013 in Criminal Application (APL) No. 527/2013 to urge that there, in similar circumstance this court has quashed the proceedings.

Advocate Gurve appearing for respondent wife has invited our attention to said report to urge that report of Protection Officer is in prescribed proforma and necessary

details have been mentioned therein. There are allegations of domestic violence against all applicants. He further submits that applicants have already appeared before the learned Judicial Magistrate and participated in this matter. According to him, in this situation judgment dated 19.11.2013 (supra) has no application in present matter.

Perusal of judgment dated 19.11.2013 in Criminal Application No. 527/2013 shows that court there has gone through complaint and found that it did not contain necessary ingredients. According to Advocate Mahajan, complaint there was also in similar format i.e. report of the Protection Officer. Paragraph 6 of the judgment dated 19.11.2013 shows that court has referred to paragraph 3 of that complaint where it was pleaded that applicant nos. 2, 3 and 4 in said matter had been cooperating with applicant no. 1 for harassing the non-applicant.

Here, the applicants have already appeared and are participating in the proceedings. The impugned order mentions application moved by respondent, report and documents filed on record. That application or documents are not made available to this court.

In this situation, we find that interest of justice can be met with by permitting applicant nos. 2, 3 & 4 to appear before trial court through their advocate. We grant applicant no.1 and other applicants leave to move appropriate application raising all objections before the trial court. If such objections are raised within a period of four weeks from today, the trial court shall decide those objections within the period

of next four weeks. With these directions, we dispose of the the application. No costs.

**JUDGE**

**JUDGE**

Hirekhan