

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

CRIMINAL WRIT PETITION NO. 220 OF 2016

Digambar Pandharinath Mohite & ors.

...PETITIONERS

versus

The State of Maharashtra & anr.

...RESPONDENTS

.....
Mr. S.B. Gastgar, Advocate for petitioners
Mr. S.Y. Mahajan, Addl. PP for Respondent No. 1- State
Mr. Prashant Nagargoje, Advocate for Respondent no.2
.....

**CORAM : S.S. SHINDE, AND
K.K. SONAWANE, JJ.**

DATED : 1st DECEMBER, 2016.

Order :-

1. Heard learned counsel appearing for the parties.
2. This petition is filed by the petitioners with following prayer;

"(C) To quash and set - aside impugned F.I.R. bearing Crime No. 91 of 2014 U/sec. 498(A), 323, 504 and 506 r/w 34 of I.P.C. dated 03.07.2014 registered at Police Station Yusuf Wadgaon, Tq. Kaij and pursuant to it, charge sheet bearing R.C.C. No. 234/2014 and Criminal Misc. Application No. 471/2015 U/sec. 12 of the Protection of Women from Domestic violence Act, 2005 filed by respondent No. 2 both matters pending before Judicial Magistrate First Class Kaij, by exercising inherent powers U/sec. 482 of Criminal Procedure Code, to the extent of petitioners."

3. So far as prayer to the extent of quashing F.I.R. bearing Crime No. 91 of 2014 U/sec. 498(A), 323, 504 and 506 read with section 34

of Indian Penal Code dated 03-07-2014 registered at Police Station Yusuf Wadgaon, Tq. Kaij, District Beed is concerned, needs no consideration in view of the fact that the trial court has framed the charge. Therefore, it would be open for the petitioners to contest the proceedings of Regular Criminal Case No. 234 of 2014.

4. So far as prayer to the extent of quashing proceedings bearing Criminal Miscellaneous Application No. 471 of 2015 U/sec. 12 of the Protection of Women from Domestic Violence Act, 2005 filed by respondent No. 2 before the Judicial Magistrate, First Class, Kaij is concerned, the petitioners can contest the said proceedings before the trial court. Hence, we are not inclined to entertain the petition, in writ jurisdiction under section 482 of the Code of Criminal Procedure.

5. Learned counsel appearing for petitioners informs this court that in the proceedings bearing Criminal Miscellaneous Application No. 471 of 2015 notices are issued. In that view of the matter, the petitioners are at liberty to contest the said proceedings.

6. For the reasons stated aforesaid, writ petition stands dismissed.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]