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

CRIMINAL WRIT PETITION NO.746 OF 2016

Shaikh Mubin Shaikh Anis

..PETITIONER

VERSUS

Arshiya Shaikh Mubin Shaikh & ors.

..RESPONDENTS

Mr G.K. Thigale, Advocate holding for Mr S.M. Sangle, Advocate for petitioner;

Mr M.B. Kolpe, Addl. Public Prosecutor for respondents no.1 & 2

CORAM : N.W. SAMBRE, J.

DATE : 26th October, 2016

ORAL ORDER :

The order dated 4th January, 2013, passed by 3rd Judicial Magistrate First Class, Osmanabad, in Criminal Misc. Application No.326 of 2012, in exercise of powers under the provisions of the Protection of Women from Domestic Violence Act, 2005, which was confirmed by District Judge-3, Osmanabad, vide order dated 23rd October, 2015, passed in Criminal Appeal No.20 of 2013, is questioned in the present petition.

2. Mr Thigale, learned Counsel appearing on behalf of the petitioner would urge that the order passed under the provisions of the Protection of Women from Domestic Violence Act, 2005, is not sustainable on the ground that the same goes contrary to the factual matrix and earning of the petitioner.

(2)

3. Perusal of the record depicts that the learned Magistrate has considered all facets of the matter including that of the income of the petitioner, the broken relationship based on the marriage certificate and has passed the order. The learned appellate court has also dealt with the issue re-appreciating the material that was placed before it.

4. In view thereof, no case for interference in exercise of extraordinary jurisdiction is made out. Criminal Writ Petition fails and stands rejected.

(N.W. SAMBRE, J.)

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