

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1364 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Anita Dhamal for the Applicant.

Smt. M.R.Tidke, APP. for the State.

CORAM : A.S.GADKARI, J.**DATE : 18th July, 2016**

P.C.

By the present application under Section 482 of the Code of Criminal Procedure the applicant-original respondent husband has prayed that Criminal Case No.79/2013 filed in the Court of Judicial Magistrate First Class, Tasgaon, District Sangli under the provisions of Section 12 of the Protection of Women from Domestic Violence Act, 2005, by respondent No.1-wife against the applicant husband be quashed and set aside.

2) Heard the learned counsel for the applicant and perused the record annexed to the application. The respondent No.1-wife has filed the proceeding as contemplated under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the applicant thereby claiming various reliefs as contemplated under the said Act. The record further reveals that the learned Trial Court has passed an order dated 5.1.2016 under Section 23(1) of the said Act. By the said order the Trial Court has granted interim maintenance in favour of respondent No.1 and to the child. The learned counsel for

the applicant submitted that as the complaint is filed by respondent No.1 in the Court of Judicial Magistrate First Class, Tasgaon and he resides at Panvel, Navi Mumbai and therefore the same may be quashed and set aside. She further submitted that respondent No.1 was staying separately from the applicant since 2012 and therefore the said complaint is not maintainable.

3) A mere perusal of the complaint, discloses that the complainant has specifically stated that she is legally wedded wife of the applicant and the applicant has not maintained her properly. She has further stated that as the parents of respondent No.1 could not satisfy the demand of dowry of respondent No.2, he was causing ill-treatment and harassment to respondent No.1. According to me a clear prima facie case as contemplated under the provisions of the Protection of Women from Domestic Violence Act, 2005 is made out by the applicant against the respondent No.1 in the said complaint and therefore, it is not necessary to quash the same in view of the facts of the present case. The present application therefore, is devoid of any merits and is accordingly dismissed.

(A.S. GADKARI, J.)