

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

CRIMINAL APPLICATION (APL) NO.552 OF 2015

(Shaikh Rafiq Shaikh Bahadulla ..vs.. Rashida Rafique Sheikh)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 16-02-2016

Heard Shri N.A. Gawande, learned Advocate for the applicant and Shri A.H. Lohiya, learned Advocate for the non-applicant.

2. The non-applicant (wife) has filed proceedings under the provisions of Protection of Women from Domestic Violence Act. The proceedings are pending since 2012. The applicant has come out with the prayer that the proceedings be quashed. The applicant has stated that the non-applicant has obtained an interim order restraining the applicant from disposing the property and the proceedings are being protracted. Alternatively it is requested that the learned Magistrate be directed to dispose the proceedings expeditiously.

3. It cannot be said that there is no *prima facie* case and the proceedings have to be quashed.

4. From the documents placed on the record of the application, it is not revealed that the applicant has

made any request for expeditious disposal of the proceedings before the learned Magistrate. The interim order because of which the applicant is seeking early hearing of the proceedings is passed sometime in 2012. In these facts, I am not inclined to accede to the prayer made in this application. The application is dismissed. In the circumstances, the parties to bear their own costs.

It would be open for the applicant to request the learned Magistrate for expeditious disposal of the proceedings.

JUDGE

pma