

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.342 OF 2016

Mr.Sandesh Gotiram Bhosale and ors. ... Petitioners
Versus
Mrs. Deepali Sandesh Bhosale and ors. ... Respondents

Mr. Nikhil Moilewar i/by Mr. Sachin R. Pawar, Advocate for the
Petitioner.

Mr.V.V.Gangurde, APP for the State/Respondent No.4.

CORAM : RAVINDRA V.GHUGE, J.

DATE : 22 MARCH, 2017.

P.C. :

1. The Petitioners are aggrieved by the order dated 4th November, 2015 passed by the Trial Court, by which application-Ex.15 raising an objection with regard to the jurisdiction has been rejected. The Petitioners are also aggrieved by the judgment and order dated 19th January, 2016, by which their criminal Appeal No.555 of 2015 has been dismissed.

2. I have heard the strenuous submissions of the Petitioners and the learned APP on behalf of the Respondent No.3.

3. Respondent No.1 is the complainant. She has filed a complaint under Section 12 of the Domestic Violence Act. In her

complaint, she has mentioned her residence at Karve Nagar and is prosecuting the complaint in the Pune Court by residing at the said address in Pune city. The Petitioner filed application- Ex.15 claiming that before the initiation of the complaint a notice was issued to her at her address at Raigad and she had accepted the said notice from that place. It was therefore, contended that it was improbable for her to reside in Pune and hence, had wrongly filed her case in the Court at Pune.

4. The Trial Court has rejected Application-Ex.15 on the ground that the address of Respondent No.1 is mentioned at Karve Nagar and it is stated that she is residing with her sister. It is her temporary residence. She is prosecuting the complaint by residing at the said address. For similar reasons, the Appellate Court has rejected the Appeal filed by the Petitioners.

5. Grievance of the Petitioners is that Respondent No.1 could have filed the complaint in Raigad. Her address is Taluka Mangaon, District Raigad. I do not find the submissions of the Petitioners to be convincing because there is no possibility of Respondent No.1-wife filing the case at Pune by residing in Raigad purportedly to harass the Petitioners. If the said submissions of the Petitioners is accepted, it would mean that the wife is causing hardship to herself with the intention of harassing the Petitioners by filing a case in Pune and

travelling from Taluka Mangaon, District Raigad to Pune for the matter. There is no dispute that the sister of Respondent No.1- wife is residing at Karve Nagar in Pune and she is temporarily staying with her.

6. Considering the above, I do not find any reason to interfere in the impugned order. This Petition is devoid of merits and is therefore, dismissed.

(RAVINDRA V.GHUGE, J.)