

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

919 CRIMINAL APPLICATION NO.2314 OF 2019

**MAHENDERRAJ MALSHYAM GADAPPA AND OTHERS
VERSUS
CHAITANYA MAHENDERRAJ GADAPPA**

...
Advocate for Applicants : Mr.Bhosle Mahesh K.
Advocate for Respondent No. 1 : Mr.P.v. Langhe
...

CORAM : N.R. BORKAR , J.

DATE : 25th November, 2021.

P. C. :

1. The respondent herein, who is the wife of applicant No. 1, had filed an application under the provisions of the domestic violence Act for various reliefs against the present petitioners. By the present application under Section 482 of the Code of Criminal Procedure (for short "Cr.P.C.") the petitioners have prayed for quashing of the said proceedings.

2. On 04.09.2019 this Court had passed following order :

"1. The learned Advocate for the applicant seeks leave to withdraw the application to the extent of applicant No. 1-husband. Leave is granted. Application is disposed of as withdrawn to his extent.

2. Issue notice to the respondent, returnable on 18.09.2019."

3. The learned counsel for the applicants submits that

general allegations are made against the applicant Nos. 2 to 5, who are the family members of the applicant No. 1. It is submitted that though the applicant No. 6 is not the family member of applicant No. 1 still, he is made party to the proceedings. It is submitted that thus the proceedings against applicant Nos. 2 to 6 be quashed.

4. On the other hand, the learned counsel for the respondent submits that the matter is at the stage of evidence and even the evidence of the respondent is over.

5. Considering the fact that the evidence of the respondent is over, I am not inclined to entertain the present application for quashing the proceedings.

6. Hence, following order is passed :

ORDER.

- a. Application is dismissed.
- b. The learned J.M.F.C. Aurangabad shall endeavour to decide the P.W.D.V.A. No. 288 of 2019, as early as possible and in any case within 9 months from the date of receipt of copy of this order.
- c. The defence of the applicant Nos. 2 to 6 shall not be struck off for non compliance of order, if any, by the applicant No. 1 herein.

**(N.R. BORKAR)
JUDGE**