

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CRIMINAL WRIT PETITION NO.1958 OF 2019

**ANAND RAMRAO NAGRE
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

Mr. Rajendra B. Dhakane, Advocate for the petitioner
Mrs. G. L. Deshpande, APP for the respondent/State

CORAM : N. R. BORKAR, J.

DATE : 30-11-2021

P. C.

. This petition takes an exception to the order dated 21-06-2019 passed by the learned Magistrate, Jalna below Exh. 32 in PWDV Application No. 63 of 2016.

2. The respondent No. 2 herein had filed an application under the provision of Protection of Women From the Domestic Violence Act for various reliefs against the present petitioner. By the application at Exh. 32, the petitioner took an objection to the territorial jurisdiction of the court at Jalna to entertain the application filed by the respondent No. 2 on the ground that no cause of action has arisen within the jurisdiction of the

said Court so also, the respondent is neither permanent nor temporary resident of Jalna. The learned Magistrate rejected the application by the order impugned.

3. I have heard the learned counsel for the petitioner and learned APP for the respondent/State.

4. The learned counsel for the petitioner has invited my attention to the averments made in the application. It is submitted that the respondent No. 2 has averred that she is residing with her daughter at Jalna. It is submitted that except bare statement, no material is placed on record to that effect. It is submitted that admittedly no cause of action has arisen within the territorial limits of the court at Jalna. It is submitted that the learned Magistrate thus ought to have allowed the application filed by the present petitioner at Exh. 32. It is submitted that thus the order impugned needs to be set aside and proceedings filed by the respondent No. 2 need to be dismissed.

5. I have perused the application filed by the respondent No.2. The respondent No. 2 has

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specifically averred that the petitioner after performing the second marriage had driven her out of the house. Left with no option she started residing with her daughter at Jalna. The fact that the daughter of the respondent No.2 is residing at Jalna is not disputed.

6. It transpired during the hearing of the present matter that, the evidence of respondent No. 2 is already over. Considering these facts and circumstances, I am not inclined to interfere with the order impugned. The petition is dismissed.

[N. R. BORKAR, J.]

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