

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

Criminal Application (APL) No. 516 of 2020

(Vaibhav S/o Vijayrao Karmarkar and ors. ..vs.. Pooja D/o Pravin Shelotkar)

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

Court's or Judge's orders

Mr. Nachiket Mohrir, Advocate h/f Mr. P. S. Dharaskar, Advocate for the
applicants

CORAM : ROHIT B. DEO, J.

DATED : 22-01-2021

Heard.

2. The applicants are invoking inherent powers under Section 482 of the Code of Criminal Procedure, 1973 (Code) seeking quashment of the application preferred by non-applicant under Section 12 read with cognate provisions of the Protection of Women from Domestic Violence Act, 2005 ('D.V. Act' for short).

3. It is not in dispute that the applicant 1 Vaibhav and non-applicant Pooja entered into matrimonial alliance on 4-12-2016. According to the learned counsel, vide *ex-parte* decree dated 18-1-2019, the competent Court directed dissolution of marriage.

4. The learned counsel would submit that in view of the termination of the relationship as husband and wife, the proceedings under the D.V. Act are not maintainable.

5. No other submission is canvassed.

6. The submission is noted only for rejection.
7. The law is well settled. Reference may be made to the decision of the Apex Court in *Juveria Abdul Majid Patni Vs. Atif Iqbal Mansoori and anr. [(2014) 10 SCC 736]*.
8. Perusal of the application under Section 12 would reveal that the ill-treatment and other instances of domestic abuse which are alleged are prior to the divorce.
9. The application is absolutely substanceless and is dismissed.
10. Learned Magistrate is requested to conclude the proceedings under the D.V. Act as expeditiously as possible and, in any event, within six months from the date of communication of this order.
11. Registrar (Judicial) of this Court shall ensure that the copy of this order shall communicate to the learned Magistrate within next seven days.

JUDGE

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