

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

CRIMINAL APPLICATION (APL) NO. 831 OF 2020

(Pranjali w/o Baban Malkhede and others ..vs.. Sayali w/o Sandip Gode)

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

Court's or Judge's orders

Mr. A.D. Bhate, Counsel for the applicants.

CORAM : ROHIT B. DEO, J.

DATED : 11-01-2021

This application seeks quashment of proceedings initiated by the sole non-applicant under Section 12 of the Protection of Women from Domestic Violence Act ('Act' for short).

2. The substratum of the submission canvassed by Mr. A.D. Bhate is that on the face of the averments in the application under Section 12 of the Act, the proceedings cannot continue at least against applicants 1 to 3 herein since they were not in a domestic relationship with the non-applicant, at any point in time.

3. The proceedings are initiated in the year 2017 and the applicants have appeared in the matter. Mr. A.D. Bhate states that the applicants have also suffered an order of maintenance. In this view of the matter, I was not inclined to entertain the application since the applicants have not moved a motion before the learned Magistrate for termination of the proceedings on the

ground that the averments do not make out a case to proceed against at least some of the applicants.

4. In view of disinclination to entertain the application, the learned Counsel Mr. A.D. Bhate for the applicants seeks leave to withdraw the application with liberty to move a motion seeking the relief claimed in this application, before the learned Magistrate.

5. The application is disposed of as withdrawn with liberty as prayed.

6. It is clarified that every contention raised in this application is left expressly open for the learned Magistrate to decide. If any motion is moved on the lines recorded supra, the same shall be decided as expeditiously as possible, and in any event, within thirty days.

JUDGE

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