

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

CRIMINAL APPLICATION (APL) NO. 630 OF 2016

1) Sanjay s/o Jagannathrao Shingate,
Aged about 42 years, Occupation – Service,

2) Smt. Jayashree wd/o Jagannathrao Shingate,
Aged about 70 years, Occupation - Housewife,

Both R/o 172 A, Revati Nagar, Besa,
Nagpur-34.

.... **APPLICANTS**

VERSUS

Sau. Sushma w/o Rajendra Shingate,
Aged about 40 years, Occupation – Lawyer,
C/o. Smt. Indutai V. Wadhalkar,
R/o Gurudeo Nagar, Mallaribaba Society,
Sumthana, Tahsil – Bhadrawati, District -
Chandrapur.

.... **NON-APPLICANTS**

Mr. S.D. Malke, Counsel for the applicants,
None for the non-applicant.

CORAM : ROHIT B. DEO, J.
DATED : 25th FEBRUARY, 2021

ORAL JUDGMENT :

The applicants are seeking quashment of proceedings in
Miscellaneous Criminal Case 189/2016 pending before the Judicial
Magistrate First Class, Bhadrawati.

2. Miscellaneous Criminal Case 189/2016 is preferred by the respondent-Mrs. "S" seeking enforcement of order dated 10-7-2012 rendered in proceedings under the Protection of Women from Domestic Violence Act, 2005. I am not inclined to consider the objection to the tenability of the proceedings on merits, for the simple reason, that all that is done by the learned Magistrate is to issue notice to the applicants to enter appearance.

3. The applicants are at liberty to appear before the learned Magistrate, if the proceedings are pending, and to raise appropriate contentions.

4. Every contention raised in this application is kept open for the learned Magistrate to consider and adjudicate.

5. The application is disposed of.

JUDGE

adgokar