

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

CRIMINAL APPLICATION (APL) NO. 681 OF 2016

Rajendra s/o Jagannathrao Shingate,
Aged about 44 years,
Occupation – Unemployed,
R/o Rajanandgaon, Chattisgarh.

.... **APPLICANT**

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 applicant,
None for the non-applicant.

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

ORAL JUDGMENT :

The applicant is 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 applicant-husband to enter appearance.

3. The applicant is 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