

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**947 CRIMINAL WRIT PETITION NO.646 OF 2022**

RAHUL S/O ASHOK YADAV  
VERSUS  
MANORAMA RAHUL YADAV

.....  
Advocate for Petitioner : Mr. A. P. Avhad  
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**CORAM : SMT.VIBHA KANKANWADI, J.**  
**DATE : 08-06-2022**

**ORAL ORDER :**

1. Heard learned Advocate for petitioner and perused the documents on record. It will not be out of place to mention here that the respondent is represented by an Advocate in Criminal Writ Petition No.1154 of 2021, but he has made a statement that he has no instructions to appear in present matter. Unless it is shown by the petitioner that the notice is necessary to be issued to the respondent, then only the question will come, and therefore, the learned Advocate for the petitioner was directed to make his submissions, and accordingly his submissions have been heard.

2. It has been submitted on behalf of the petitioner that the respondent is contending that she is the wife of the petitioner, however, no such marriage as alleged in the application filed by the

respondent under Section 125 of Cr.P.C. has taken place and the say has been filed by the petitioner before the learned Magistrate giving all the details. It appears that the respondent has forged the documents and got documents in the form of marriage certificate from Buddhist Society of India about marriage, however, the documents were sent for opinion of the expert i.e. IFS : Forensic Science Department, Pune and a report has been received that it is a forged document. Further, the respondent has not produced any documentary evidence to show that there was marriage between the petitioner and the respondent. Applications have been filed before the learned Magistrate for issuance of direction to the applicant/present respondent that she should produce documentary evidence, however, that application has not been decided. The present petitioner is required to face unnecessary litigation when in fact there is no such relationship between the petitioner and the respondent. The proceedings itself deserve to be quashed and set aside. For forging the document, the petitioner has filed Regular Criminal Case No.60 of 2020 before J.M.F.C., Akole District Ahmednagar, against the respondent and her relatives.

3. At the outset, it can be said that the present writ petition is

stated to be filed under Article 226 and 227 of the Constitution of India as well as invoking the powers of this Court under Section 482 of Cr.P.C. In both the circumstances this Court cannot go into the disputed facts. The matter is subjudice before learned J.M.F.C. in which the pleading has been raised by the respondent that there is marriage between her and the respondent therein i.e. present petitioner, to which the present petitioner has filed say and now further the matter is pending for adducing evidence. The said report of the handwriting expert has to be proved by the present petitioner and it cannot be accepted as gospel truth at this stage. He has filed private complaint before the learned Magistrate and it is also subjudice. Under such circumstance, there is no question of quashing of the entire proceedings on the grounds raised which by themselves are disputed facts. It is not even therefore necessary to issue notice to the respondent. The writ petitioner stands dismissed.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

*vjg/-.*