

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 CRIMINAL APPLICATION NO.3232 OF 2022

**JITENDRA GOTUGIR BAWA AND OTHERS
VERSUS
VIDYA W/O. YOGESH BAWA**

Mr. Shaikh Samir Ahmad Saifuddin, Advocate for the applicants
Mr. P. V. Suryawanshi, Advocate for respondent

CORAM : KISHORE C. SANT, J.

DATE : 14th DECEMBER, 2022

P. C.

1. This application is filed for quashing the proceeding of Criminal Misc. Appeal No. 709/2017 pending in the court of learned JMFC, Aurangabad under the provision of Domestic Violence Act.

2. At the outset the learned advocate for the respondent raised the point of maintainability in view of the delay and laches in approaching this court. He submits that the Criminal M. A.No.709/2017 was filed on 05-12-2017. The notices were issued. All petitioners have virtually appeared in

January, February and March, 2018 in the proceeding before the court. Now evidence is about to start. This court finds that since March, 2018 till 13-09-2022 the petitioners have not appeared before the court nor appeared before the Sessions Court by challenging the order. Thus, when now the proceeding has reached at the stage of evidence, the petitioners have approached this court, it is clearly show that they approached to to prolong the matter. He further submits that considering the delay the petition does not deserve any consideration at the hands of this court under exercise of extra ordinary powers vested under Section 482 of the Code of Criminal Procedure.

3. The learned advocate for the petitioners states that since the petitioners were not aware of the remedy provided under law, they could not earlier approached this court or they could not challenge any order passed by the learned court.

4. This court finds that this ground need not be considered for approaching this court after laps of 4-5 years

(3)

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More so, when now the proceeding is at the stage of recording of evidence at the most considering that the proceeding is pending since 2017 same can be expedited. Hence, the following order:-

ORDER

a] Criminal Application No. 3232/2022 is rejected. However, learned JMFC, Aurangabad is requested to decide the proceeding of Criminal M. A. NO. 709/2017 as early as possible and preferably within a period of six months.

[KISHORE C. SANT, J.]

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