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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 890 OF 2020

Vikas Dhondiba Benkar and ors. .. Petitioners
vs.
Puja Vikas Benkar and anr. .. Respondents

Nikhil P. Mallelwar i/b. Mr. Sachin Pawar for petitioners.

Mr. A.A. Palkar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 28, 2022

P.C.:-

1. Heard learned counsel for the petitioners.
2. The petitioner no.1 married respondent no.1 on 02.02.2012 at Pune. The matrimonial disputes between the couple since the year 2015 onwards led to filing of the matrimonial proceedings. The respondent no. 1 filed FIR against the petitioners under section 498(A), 323, 504, 506 read with section 34 of the Indian Penal Code. Pursuant to the chargesheet being filed, RCC No. 2353 of 2016 is pending trial before the Judicial Magistrate First Class (Anti Corruption) Court, Pune.

3. It is the contention of learned counsel for the petitioners that though the trial is at the stage of adducing evidence, but the respondent no.1, on one pretext or the other, is avoiding leading of the evidence. My attention is invited to the application made by the petitioners dated 14.11.2019, at page 71 of the petition, before learned trial Court pointing out the dilatory tactic adopted at the instance of the respondent no.1.

4. Considering the nature of the order that I propose to pass, the presence of respondent no.1 is not necessary for determination of this petition. Suffice it to observe that the matter is pending since 2016 and if the trial Court finds substance in the contentions raised by the petitioners in the application at Exhibit 'D' (at page 71 of this petition), it is for the trial Court to consider expediting the matter, subject to the number of pending cases and regarding being had to the older cases requiring more attention. The trial Court may consider the request on its own merits.

5. The writ petition stands disposed of.

(M.S. KARNIK, J.)