

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.416 OF 2020

Vinayak Ashok Martal and Others ...Applicants

vs.

The State of Maharashtra and Another ...Respondents

Mr. Vijay Kurle, for the Applicants

Mr. S. R. Agarkar, for the Respondents.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 18, 2022

P.C.:

1. Heard the learned counsel for the applicants.
2. This application is preferred is to quash and set aside the proceeding in respect of Criminal Misc. Application No. 540 of 2014 instituted under Protection of Women From the Domestic Violence Act, 2005 before the Judicial Magistrate First Class, Pimpri, Pune.
3. Perused the application.
4. The record reveals that the applicants had preferred Criminal Application No. 516 of 2015 seeking quashing of the very same proceeding. This Court by an order dated 17th November, 2015 considered the prayer for quashing of the proceeding before the learned Magistrate and, on merits, rejected the application.
5. Mr. Kurle, learned counsel for the applicants submitted that the applicant No. 1 who is serving at Mumbai is made to suffer at

the instance of respondent No. 1, by using the said proceeding as a tool for harassment. The proceeding before the learned Magistrate are not attended to by respondent No.1 diligently and the applicants are made to suffer. The developments, in the intervening period, as alleged by the applicants, do not bear upon the prayer sought in this application. Since an earlier application for quashing the very same proceeding has already been dismissed, on merits, the instant application does not deserve to be entertained.

6. As far as the grievance of Mr. Kurle that the proceeding are not being conducted expeditiously, it would be suffice to request the learned Magistrate to hear and decide the Criminal Application No. 540 of 2014 as expeditiously as possible.

7. The application stands dismissed.

(N. J. JAMADAR, J.)