

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APL NO. 252 OF 2015**

Dhananjay Murlidhar Patil & Ors.

.....Applicants

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Raviraj S. Gamare for the Applicants.

Mr. R.M. Pethe APP for the Respondent-State.

Mr. Tukaram Shendge i/by Mr. Amitkumar D. Sale for the Respondent No.2.

CORAM : A. S. GADKARI, J.**DATE : 15th JULY, 2022.****P.C.:-**

By the present Application under Section 482 of the Code of Criminal Procedure, 1973 (for short, “ *the Cr.PC.*”), Applicant No.1 i.e. erstwhile husband of Respondent No.2 and Applicant Nos.2 to 5 who are the close relatives of Applicant No.1, have questioned the institution of proceedings i.e. Criminal Miscellaneous Application No.62 of 2015 filed by the Respondent No.2 in the Court of Judicial Magistrate, First Class, Nashik under Section 12 and other related Sections of the Protection of Women from Domestic Violence Act, 2005 (for short, “*the said Act*”).

2 Heard Mr. Gamare, learned Advocate for the Applicants, Mr. Pethe, learned APP for the Respondent No.1-State and Mr. Sale, learned Advocate for the Respondent No.2. Perused entire record.

3 Record clearly discloses that, by Judgment and Order dated
22nd August, 2014 the marriage between the Applicant No.1 and
Respondent No.2 was dissolved with effect from the date of passing of the
said Judgment and Order by the Family Court No.6, Mumbai. After passing
of the decree of dissolution of the said marriage, dated 22nd August, 2014,
the Respondent No.2 filed an Application on 2nd February, 2015 under
Section 12 read with other related Sections of the said Act in the Court of
Judicial Magistrate First Class, Nashik.

4 Applicants therefore filed the present Application on 18th
March, 2015. By an Order dated 24th March, 2015, this Court granted stay
to the said proceedings pending on the file of the learned Magistrate. The
Respondent No.2 thereafter filed Family Court Appeal Stamp No.4726 of
2015 which came to be disposed off as withdrawn by the Division Bench of
this Court by an Order dated 23rd March, 2016.

5 Learned Advocate appearing for the Respondent No.2 on
instructions from his instructing Advocate submitted that, after passing of
the Judgment and Decree of dissolution of marriage, the Respondent No.2
has remarried and settled in a life.

 Mr. Gamare, learned Advocate for the Applicants on
instructions submitted that, after her marriage with other person,
Respondent No.2 has been blessed with two daughters.

6 The aforestated chronology of events clearly indicates that, further proceedings of the said Criminal Miscellaneous Application No.62 of 2015 filed under Section 12 and other related Sections of the said Act is a sheer abuse of process of law.

In view thereof, Petition deserves to be allowed in terms of prayer clause (a) and is accordingly allowed.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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