

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

CRIMINAL WRIT PETITION NO. 1214 OF 2015

Santosh Shyamrao Mahangare And Ors. ...Petitioners
Versus
Sau Savita Santosh Mahangare & Anr. ...Respondents

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Mr. Nilesh S. Nevshe, Advocate for the Petitioners.

Mr. Balasaheb R. Deshmukh, Advocate for Respondent No.1.

Mr. S. V. Gavand, APP for the Respondent No.2 – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 26th APRIL, 2022.

PER COURT:

1. The petitioners have challenged the proceedings in respect of C.C. No.223 of 2014 pending before the Court of learned J.M.F.C., Bhore, Pune initiated under the provisions of Protection of Women from Domestic Violence Act, 2005. The petitioners are respondents in the said proceedings and the respondent No.1 herein is the applicant, who had initiated the said proceedings.

2. Learned Advocate for the Petitioners submitted that the petitioners are falsely implicated by initiating proceedings under the Domestic Violence Act before the Court of learned J.M.F.C. Bhore, Pune. The allegations are false and concocted. Prior to initiating proceedings under the Domestic Violence Act, the

respondent No.1 had lodged the First Information Report (for short 'FIR') for offences under Sections 498-A, 323, 504 r/w Section 34 of Indian Penal Code. The petitioners were arraigned as accused in the said proceedings. Vide judgment and order dated 29th January, 2013, the case has resulted in acquittal. Learned counsel for the petitioners has referred to observations made by the trial Court in paragraph Nos.10 & 11 of the said judgment and submitted that the Court found that there were discrepancies in the evidence. The proceedings under the Domestic Violence Act is abuse of process of law. Hence, the same may be quashed.

3. Learned Advocate for respondent No.1 submitted that the complaint was filed by the respondent No.1 under the Domestic Violence Act. The trial in the said proceedings had already commenced. The evidence of witnesses was concluded and the proceedings are due for argument and thus at this stage this Court may not exercise powers under Section 482 of Cr.P.C. for quashing the proceedings pending before the Court of learned J.M.F.C. Bhore, Pune.

4. This petition has been pending in this Court since – 2015. Apparently during the pendency of this proceedings, the trial Court has proceeded with the complaint under the Domestic Violence Act

and the evidence has been recorded. The case is now due for hearing both the sides. I am not inclined to interfere in the proceedings under the Domestic Violence Act at this stage. On the ground that the petitioners were acquitted for the offence punishable under Section 498-A of IPC, at this stage the impugned proceedings cannot be quashed. The recording of evidence is concluded. The proceedings are at the stage of arguments. Hence, no ground is made out for granting prayers made in this Petition.

ORDER

Writ Petition No.1214 of 2015 is dismissed.

(PRAKASH D. NAIK, J.)