

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2669 OF 2016**

Sharmin Sameer Terdalkar

... Petitioner

V/s.

Sameer Sarfaraj Terdalkar & Ors.

... Respondents

Ms.Indrayani M. Koparkar for Petitioner.

Ms.Rachana Harpale i/b. Mr.Nitin Deshpande for Respondent No.1.

Mr.R.M. Pethe, A.P.P for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 12th July 2022.****PC. :**

1. Present Petition is directed against purely an interlocutory Order dated 16th January 2016 passed below Exh.5 by the learned Joint Judicial Magistrate First Class, Cantonment Court, Pune, under Section 23 of The Protection of Women from Domestic Violence Act, 2005 (for short, 'D.V. Act') and upheld by the Additional Sessions Judge, Pune in Appeal preferred by the Petitioner under Section 29 of the D.V. Act. The main application filed by the Petitioner under Section 12 and other related sections of the D.V. Act is still pending for final adjudication on the file of learned Joint Judicial Magistrate First class, Cantonment Court, Pune.

2. In view thereof, the learned counsel for Petitioner seeks leave to withdraw present Petition with liberty to pursue her application filed under

Section 12 and other related sections of the D.V. Act bearing M.A. No. 822 of 2014.

Leave and liberty granted.

3. Petition is disposed off as withdrawn with aforesaid liberty.

4. Record indicates that, the application filed by the Petitioner under Section 12 and other related Sections of the D.V. Act is pending for adjudication on the file of the learned Joint Judicial Magistrate First Class, Cantonment Court, Pune since the year 2014. In view thereof, the learned Joint Judicial Magistrate First Class, Cantonment Court, Pune is hereby requested to expedite the hearing of the said application and to dispose of the same within a period of three months from the date of receipt of present Order.

5. It is needless to mention that, the Petitioner and Respondent Nos.1 to 3 will be at liberty to file additional affidavit(s) and to lead evidence in support of their respective claims at the time of hearing of the said application i.e. M.A. No. 822 of 2014.

6. The Trial Court will not get influenced by the present Order of withdrawal of Petition by the Petitioner and will decide M.A. No. 822 of 2014. on its own merits.

[A.S. GADKARI, J.]