

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 876/2021

Krupaldas S/o Sugandchand Ahuja

..vs..

Smt. Sangita wd/o Ajit Pophali

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. A. Mohta, Advocate for applicant.

CORAM : VINAY JOSHI, J.

DATED : 22/06/2022.

Heard.

2. The challenge in this application is to the tenability of the criminal application filed by the non-applicant/lady under the provisions of the Protection of Women from Domestic Violence Act, 2005 ('D.V. Act').

3. On 13.06.2022, the matter was adjourned with a specific direction that if on next date non-applicant fails to appear then it would be heard and decided on merits. Today also, no one was present for first session as well as in the second session too.

4. Non-applicant/lady has filed Miscellaneous Criminal Application No. 1814/2019 under Section 12 of the D. V. Act against in all 15 respondents. The applicant is arrayed as respondent No. 15 in said

criminal application. The applicant was not related to the parties, but it is alleged that he acted as a middleman in arranging the marriage. Learned counsel for the applicant submits that having regard to the facts and circumstances of this case, the provisions of the D. V. Act could not have been invoked against him. The said contention is based on the interpretation of the terms of “aggrieved person, the domestic relationship, domestic violence, shared household and respondent”. On revisiting to the original criminal application, one could find that original respondent Nos. 1 to 14 are near relatives of the non-applicant/lady. Since her husband died, he is not a party. The only role ascribed to the applicant who is stranger is to the extent that he has acted as a middleman in arranging marriage of the original applicant/lady. There are no other allegations against the applicant in the complaint. As such, by any stretch of imagination, the applicant could not find place in either of the above terms to invoke the provisions of the D. V. Act. In such background, continuation of the criminal proceeding against the applicant amounts to abuse of process of Court.

5. In view of above, application stands allowed. Miscellaneous Criminal Application No. 1814/2019 pending on the file of 3rd Judicial Magistrate Magistrate First Class, Akola is quashed and set aside to the extent of the applicant who is respondent

No. 15 in the original application.

6. Application stands disposed of in above terms.

(VINAY JOSHI, J.)

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