

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 CRIMINAL APPLICATION NO.752 OF 2023

**RAMESH NAGORAO KALYAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.B. Bhapkar, Advocate for the applicants.
Mr.Y.G. Gujarati, APP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 28.03.2023**

PC :-

01. Heard learned Advocate for the applicants. The application is with two prayers; first to quash and set aside proceedings bearing PWDVA No. 2 of 2017 pending before the Court of learned JMFC, Degloor and to quash and set aside order dated 14.11.2017 passed by the learned JMFC, Degloor on application Exh.15 and said application Exh.15 be allowed. The petitioner prayed for rejection of proceedings on the ground of jurisdiction under section 27 of the Protection of Women from Domestic Violence Act.

02. It is seen that the proceedings are pending since 2017. The petitioner has knowledge of pendency of the proceeding. It is also clear from the application preferred by the applicant that he has appeared in the proceedings in 2017 itself. There is no justification as to why the applicants are approaching this Court after 5-6 years after appearing in the proceedings before the Trial Court.

03. On query, the learned Advocate for the applicants, it is his only answer that continuation of the proceedings would be an abuse of process of law. He also further submits that in the civil proceedings there is specific finding that respondent No.2 is not legally wedded wife of applicant No.1. This Court finds that there are delay and latched and on this count alone, the application must fail. Though there are other grounds and are tried to be canvassed, this Court is not inclined to entertain this application on the ground of delay and latches.

04. At this stage, it is sought to be canvassed that though wife has filed petition in the Trial Court, she is not prosecuting the petition.

05. In view of this it is expected of the Trial Court to dispose off both the matters as early as possible and in any case within six months from today. All the points are kept open including the point of maintainability.

06. The application stands disposed off.

[KISHORE C. SANT, J.]