

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

CRIMINAL WRIT PETITION NO. 785 OF 2020

Dr. Leena Premraj Chavhan

.. Petitioner

Versus

Dr. Premraj Rajaram Chavhan and others

.. Respondents

Mr. Pankaj D. Patil, Advocate h/f Mr. M. V. Navandar, Advocate for the Petitioner.

Mr. B. R. Kedar, Advocate for Respondent Nos. 1 to 3.

CORAM : KISHORE C. SANT, J.

DATED : 23rd FEBRUARY, 2023.

P. C. :-

1. Heard learned advocates for both the parties. Taken up for final disposal by consent of the parties.

2. By this petition, the petitioner-wife is challenging the order passed by the learned J.M.F.C., Jalgaon in P.W.D.VA. No. 153/2019 dated 27.11.2019 wherein, the petitioner had filed an application under Section 28 (2) of the Protection of Women from Domestic Violence Act (for short "Domestic Violence Act") r/w Section 93 of the Code of Criminal Procedure (for short "Cr. P. C.") for issuing a search warrant. It is alleged that, the husband has not returned her books of which the list is given in the application. It is submitted that Section 18 (e) of the Domestic Violence Act also speaks of any other property which would include the books. There is no difficulty at this stage to

accept that the books would also can be governed under Section 18 (e) of the Domestic Violence Act. The only thing needs to be seen is whether the learned Trial Court order is correct. The learned Trial Judge has observed that, already proceeding under the Domestic Violence Act was filed by the wife against the husband wherein, she had prayed for the relief in respect of Stridhan. Learned advocate for the petitioner submits that, even relief in respect of books was sought for, however, list of the books was not given and therefore, fresh application is filed bearing Criminal Miscellaneous Application No. 156/2019.

3. The learned Trial Court observed that, when earlier proceeding under the Domestic Violence Act is disposed off and there was no reference to these book, now this application is filed after eight years and rejected the application.

4. This Court finds that, practically no purpose would be served by entertaining the petition now. As it is, this Court does not find any perversity or illegality in the order passed by the learned J.M.F.C. dated 27.11.2019. The petition is, therefore, devoid of merits and is dismissed.

(KISHORE C. SANT, J.)

P.S.B.