

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2875 OF 2019

SAGAR KUNDLIK TODMAL AND OTHERS

VERSUS

AMRUTA D/O. SAGAR TODMAL AND ANR

...

Advocate for Applicants : Adv. Menezes Joslyn A

Advocate for Respondents : Mr. Farooqui Kamaloddin N.

...

CORAM : KISHORE C. SANT, J.

DATE : 20th MARCH 2023.

Per Court :

1. This is an application filed by the husband, father-in-law and mother-in-law of deceased Snehal Todmal, who had filed proceeding under the Domestic Violence Act in the Court of learned Judicial Magistrate First Class, Ashti, Dist. Beed. In the said proceeding, the parties were directed to go for mediation. Unfortunately, before mediation could complete, deceased committed suicide. Now custody of respondent no.1 i.e. Amruta, whose age was two years at the time of filing of the proceeding, is with applicant no.1. However her grand

mother i.e. mother of deceased/Snehal filed an application seeking amendment by replacing her in place of deceased/Snehal. The said application came to be allowed by the learned Magistrate vide order dated 16.07.2019.

2. In view of above, applicants are approached this Court for quashing of the proceeding on various grounds. However, this Court does not deem it fit to necessary to go through the other grounds, since now the custody of respondent no.1 is with the applicant no.1, there is no purpose in continuing the proceeding bearing PWDVA No.44/2018 pending before the learned JMFC, Ashti. The proceeding therefore would clearly an abuse of process of law. In view of the same, the application is allowed in terms of prayer clause 'B'.

3. With this, the criminal application is disposed off.

[KISHORE C. SANT, J.]

Najeeb.