

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

CRIMINAL WRIT PETITION NO. 1284 OF 2021

Anna Baban Shinde
and others

.. Petitioners

Versus

Meena Anna Shinde

.. Respondent

Mr. Shrimant R. Kedar, Advocate for the Petitioners.
Mr. Moinpasha Shaikh Farid, Advocate h/f Mr. Angad L. Kanade,
Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 07th JANUARY, 2023.

P. C. :-

. The present petition is filed against the order passed by the learned J.M.F.C. in the proceeding filed under Protection of Women from Domestic Violence Act thereby refusing the application for setting aside no cross order filed by the petitioner-husband. The learned Magistrate has observed that respondent-husband has failed to remain present on 07.07.2021, 31.07.2021 and 18.08.2021 and also has not complied with the order passed on application below Exhibit-23 to pay cost of Rs. 3,000/- (Rs. Three Thousand only) and to pay Rs. 2,00/- (Rs. Two Hundred only) towards witness charges. The petitioner-husband has therefore, filed this petition.

2. It is the submission of the learned advocate for the petitioners that, the right of the husband to cross-examine the wife has been taken away. Considering the nature of the proceeding, it is necessary to cross-examine the wife.

3. This Court while issuing notice by order dated 26.11.2021 itself had directed to issue notice to respondent subject to deposit of cost of Rs. 7,000/- (Rs. Seven Thousand only) to be paid before the learned Trial Court by the petitioners. It is submitted that, the said cost was deposited and the respondent has also withdrawn the said cost. There is no dispute about the said.

4. Considering the nature of the order and the nature of the proceeding and also that the husband has already compensated the wife by depositing cost of Rs. 7,000/- (Rs. Seven Thousand only), it would be in the interest of justice to quash and set aside the impugned order and to allow the application below Exhibit 25 filed by the petitioners in the proceeding of P.W.D.VA. No. 345/2017 pending before the 12th J.M.F.C., Aurangabad.

5. The learned Trial Court is requested to complete the proceeding as early as possible and preferably within a period of six (06) months from today as the proceeding is pending from the year 2017.

6. With this, the criminal writ petition is allowed in terms of prayer Clause (B).
7. The criminal writ petition is disposed off.

(KISHORE C. SANT, J.)

PS.B.