

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3958 OF 2022

Amol Laxman Karale & Ors. ... Petitioners

V/s.

Archana Amol Karale & Ors. ... Respondents

....

Mr. Pramod J. Pawar, Adv. for the Petitioners.

Mr. A. R. Patil, APP for the State/Respondent.

.....

CORAM : R. G. AVACHAT, J.

DATED : JANUARY 3, 2023

P.C. :

Heard.

2. The challenge in this petition is to the order dated 5 August 2022 rejecting the application (Exhibit-125) moved by the Petitioner-husband for framing of preliminary issue as to territorial jurisdiction of the Court seized of the matter.

3. The said application was moved after learned Magistrate passed order granting interim maintenance in favour of the Respondent-wife and her children. In the application itself, the

Respondent-wife has given her address of residence as C/o. Vilas Takale, 395, Mangalwar Peth, Pune-411 011.

4. The order impugned herein suggests that the landlord Vilas Takale filed an affidavit supporting the claim of Respondent-wife in the petition. As such, the Respondent-wife has made out that she was residing on the address given in the caption while petition was filed.

5. Section 27(1) of the Protection of Women from Domestic Violence Act, 2005 reads as follows :-

“The Court of Judicial Magistrate of the First Class or the Metropolitan Magistrate, as the case may be, within the local limits of which -

(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b)

(c),

shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.”

6. When the application was moved by the Respondent-wife, she was temporarily residing on the address given in the caption. The landlord, in whose premises she was residing in, has filed an affidavit supporting her claim. As such, the Court of Judicial

Magistrate, First Class, presently seized of the matter, has jurisdiction to entertain the same. Even though the Respondent-wife in her affidavit-in-evidence has given her address of the vicinity of Bhosari, Pune, that may be a subsequent event, i.e. change of her residence. As such, no case for issuance of notice in this proceedings is made out. The same, therefore, stands dismissed and disposed of accordingly.

(R. G. AVACHAT, J.)