

sg

1/2

25.wp5020-22.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5020 OF 2022

Atul Manik Kadam & Ors. .. Petitioners

v/s.

Rupali Atul Kadam & Anr. .. Respondents

....

Mr. Yash Sonawane, i/b. Mr. Siddheshwar N. Biradar, for the
Petitioners.

Mr. M.G. Patil, APP, for Respondent State.

....

CORAM: R.G. AVACHAT, J.

DATE : 31 JANUARY 2023.

P.C:-

Heard.

2. The challenge in this petition is to the order dated 26 July 2022 passed in Criminal Miscellaneous Application No.47/2021.

3. It is a proceedings in the nature of an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (D.V. Act). The Petitioners herein are the Respondents in the said proceedings. They preferred the application for dismissal of the application preferred under Section 12 of the D.V Act. The trial court has rejected the same. Hence, the present petition.

4. It is the contention of learned Advocate for the Petitioners that there was no domestic relationship between the parties to the application, since the marriage has been dissolved by grant of a decree of divorce. The alleged incident of domestic violence date back to the year 2008. The application came to be filed 13 years thereafter. The learned Advocate, therefore, urge for issuance of notice in the matter.

5. Considered the submissions advanced by learned Counsel for the Petitioners, the reliefs which are granted under Sections 18, 19, 20 and 21 of the said Act pursuant to the application moved under Section 12, are all of civil nature. By no stretch of imagination, the proceedings under Section 12 of the said Act could be termed to be a prosecution. The trial court has given sound reasons for rejection of the application. The Petitioners have to appear and file their response to the application and, upon hearing the parties to the same, the trial court is expected to take the proceedings to its logical conclusion.

6. In view of the above, the present petition is dismissed.

(R.G. AVACHAT, J.)