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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.561 OF 2019

Sou. Jagruti Suresh Kadam & Anr. .. Applicants

v/s.

Prof. Dr. Suresh Namdeorao Kadam & Ors. .. Respondents

....

Ms. Aditi S. Naikare, for the Applicants.

Mr. Bhushan C. Joshi, for Respondent Nos. 1 and 3 to 13.

A.R. Patil, APP, for State.

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CORAM: R.G. AVACHAT, J.

DATE : 1 FEBRUARY 2023.

P.C:-

Heard.

2. The challenge in this revision application is to the order dated 24 September 2019, passed by 3rd Additional Sessions Judge, Thane, in P.W.D.V. Appeal No.13/2019. Vide order impugned herein, the appeal came to be allowed, setting aside order below Exhibit-11 in D.V. Case No.66/2017.

3. Applicant No.1 is wife of Respondent No.1. Applicant

No.2 is their daughter. Respondent Nos. 2 to 13 are the in-laws of the Applicant-wife. It is informed that Respondent No.2, father-in-law, has passed away.

4. The Applicants herein filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (D.V. Act). The Respondents therein filed Application (Exhibit-11) for dismissal of the application preferred under Section 12 of the Act. The learned Magistrate, vide order dated 20 December 2018, rejected Application (Exhibit-11). The Respondents-husband and in-laws, therefore, preferred appeal under Section 29 of the said Act. The appellate court, i.e. 3rd Additional Sessions Court, Thane, allowed the appeal.

5. Heard the learned Advocates for the respective parties. Perused the order impugned herein. The appellate court found that no domestic relationship was in existence between the Applicants and the Respondents. There was no decree of divorce dissolving marital relationship between the Applicant-wife and Respondent No.1-husband.

6. After having considered the submission advanced and perusal of relevant definitions of various terms under the D.V. Act, namely, aggrieved person, domestic relationship, domestic violence,

respondent, etc., this Court is of the view that the order passed by learned Additional Sessions Judge, allowing the appeal, is unsustainable in law.

7. At this stage, learned Advocate for the Applicants, on instructions, submits that she would delete Respondent Nos. 4 to 13 from the array of the application (Application No.66/2017).

8. In view of the above, the application is allowed in terms of prayer clause (b).

9. Respondent Nos. 4 to 13 stand deleted from the array of the application (Application 66/2017). The trial court is requested to decide the application on its own merits within a time-frame of 10 months from the date of receipt of copy of this order. The trial court shall not be influenced by the observations made hereinabove.

(R.G. AVACHAT, J.)