

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 44 OF 2023

Rajnesh S/o Rajendrapal Naidu

.VS.

Mrs. Neha W/o Rajnesh Naidu (Joshi) and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders. i

Mr.G.B. Sawal, Advocate for the petitioner

CORAM : G.A. SANAP, J.

DATE : JANUARY 25, 2023.

Heard the learned Advocate for the petitioner.

2. In this petition, the petitioner has impugned the order dated 06/01/2023, passed by the learned Judge of the Family Court – 3, Nagpur in the Petition No. E-443/2013, whereby the learned Judge was pleased to reject an application (Exh.469) made by the respondent for initiation of a Criminal proceeding by invoking the provisions of Section 340 of the Code of Criminal Procedure. It is stated that the petitioner before the Family Court has committed forgery regarding the documents filed as per the list Exh. 289.

3. It is seen on perusal of the impugned order that the petition pending before Family Court has been expedited by

Jayashree..

the Hon'ble Supreme Court of India. The learned Judge, as can be seen from the order, has not rejected the application on merit. The learned Judge has observed that the inquiry would be required to be made for deciding the application made by the petitioner under Section 340 of the Code of Criminal Procedure and such enquiry in the opinion of the learned Judge would take time and frustrate the very purpose of the expeditious disposal of the trial as directed by the Hon'ble Apex Court. The learned Judge, taking note of this fact, disposed of the application with a direction that the petitioner in this petition and the respondent in the Family Court Petition shall be at liberty to file the separate proceeding under Section 340 of the Code of Criminal Procedure.

4. In my view, the course adopted by the learned Judge is not contrary to the law. Learned Judge has taken care of the basic grievance of the petitioner (respondent before the Family Court).

5. In the facts and circumstances, I am of the view that there is no substance in this petition. The petition stands disposed.

(G. A. SANAP, J.)