

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL WRIT PETITION NO. 207 OF 2023

Virendra s/o Harisingh Ahir and anr.

Vs.

Hanumandas Bharti @ Hanumaprasad s/o Hariram Agrawal and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Soumitra Paliwal, Advocate for petitioners.
Mr. N.R. Rode, APP for respondent Nos.3,4 & 7.

**CORAM : VINAY JOSHI, AND
BHARAT P. DESHPANDE, JJ.**

DATE : 20.03.2023.

Heard.

2. The petitioner has prayed for multiple reliefs based on the order of this Court passed under Section 2(1) of the Maharashtra Vexatious Litigation (Prevention) Act, 1971, dated 06.01.1986. It is petitioners contention that despite such order passed by this Court, the respondent No.1 is filing various proceedings without obtaining leave of this Court. On that basis, the petitioner seeks relief about quashing, stay etc.

3. It is brought to the notice that in the proceedings filed by respondent No.1, leave is not obtained, but still the respective proceedings are going on. In that regard, the petitioner can very well point out the order of this Court to the concerned Court for passing suitable orders under Section 3 of the Maharashtra Vexatious Litigation (Prevention) Act, 1971. If any such applications are filed, then the concerned Court shall consider the same on merits and pass appropriate order in accordance with law.

4. So far as the prayer for quashing of Criminal case bearing RCC No.42/2014, is concerned, it is filed by respondent No.2, who is son of respondent No.1. Apparently, the order under Section 2 (1) of the Maharashtra Vexatious Litigation (Prevention) Act, 1971, was not against respondent No.2, who is complainant therein. By the time, the said criminal case has much progressed and it is for recording of the statement under Section 313 of the Code of Criminal Procedure.

5. Likewise RCC No.168/2017 is filed by respondent No.2, which is now fixed for evidence. According to petitioner, these two criminal

proceedings are filed by son at the behest of his father against whom the order under Section 2(1) of the Act has been passed. Though, the respondent No.2 (complainant) is his son, however, the order of this Court is not against him. After lapse of five years, we do not find any reason to entertain the proceeding for quashing. The petitioner may avail the legal remedies before the concerned Court.

6. The Registrar (Judicial) is requested to forward the copy of order dated 06.01.1986 passed by this Court in Criminal Application No.303/1982, under Section 2(1) of the Maharashtra Vexatious Litigation (Prevention) Act, 1971, to the Principal District and Sessions Judge, Bhandara and Gondia, for circulating amongst the Judicial Officers working in their respective Districts.

7. Petition stands disposed in above terms.

JUDGE

JUDGE