



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**985 CRIMINAL APPLICATION NO.4123 OF 2023
IN
CRIMINAL APPLICATION NO.2261 OF 2017**

Urmila w/o. Sanjay Nade .. **APPLICANTS**

VERSUS

1] Sarsabai w/o. Natha Nade
2] Natha s/o. Keshav Nade
3] Sunil s/o. Natha Nade. .. **RESPONDENTS**

...
Advocate for the applicant : Mr.A.R.Kawade
Advocate for Respondent nos.1 to 3 : Adv.R.O.Awasarmol
...

**CORAM : SHIVKUMAR DIGE, J.
DATE : 16.07.2024**

P.C. :

1] This Criminal Application is filed for modification of the order dated 18.09.2017 passed by this Court in Criminal Application No.2261 of 2017.

2] Heard the learned counsel for the applicant and the learned counsel for the respondents.

3] It is the contention of the learned counsel for the applicant that the applicant has filed complaint against the respondents under the provisions of Protection of Woman from Domestic Violence Act, 2005. The respondents have challenged the said complaint before this Court. This Court, by order dated 18th September, 2017, has stayed the said complaint against the respondents only. This Court has not granted stay against the husband but the trial Court is not proceeding against the respondent-husband though there is no stay granted by this Court, hence, requested to modify the order dated 18.09.2017.

4] The learned counsel for the respondents submitted that as there is no substance in the complaint made against the respondents, the order passed by this Court is proper. No modification is required, hence, requested to reject this application.

5] I have heard both learned counsel. Perused the order dated 18.09.2017 passed by this Court. It appears from the order that the proceedings against the

respondents, namely, Sarsabai Natha Nade, Natha Keshav Nade and Sunil Natha Nade is stayed. There is no stay to the proceedings against husband, namely, Sanjay Natha Nade as he was not party to the Criminal Application No.2261 of 2017.

6] Considering this fact, the order dated 18.09.2017 passed by this Court in Criminal Application No.2261 of 2017 is modified as under :

i] The proceedings is stayed only against the respondents, namely, Sarsabai Natha Nade, Natha Keshav Nade and Sunil Natha Nade and not against the husband, namely, Sanjay Natha Nade.

ii] In view of above, Criminal Application is disposed of.

[SHIVKUMAR DIGE]
JUDGE

DDC