



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

CONTEMPT PETITION NO.01/2024

Vipin s/o. Babanrao Kamble

Vs.

Mrs. Payal w/o. Vipin Kamble and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Petitioner-in-Person.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 04/10/2024.

. Heard the petitioner in person.

2. At the inception, we asked him whether he is inclined to avail the services from Legal Aid, to which he flatly denied. The petitioner-in-person submitted that he is a graduate in Engineering and has also studied the provisions of law. He declined to avail legal aid and submitted that he is capable to make the submissions at his own.

3. The petitioner made threefold prayers. Firstly, he urged to initiate proceedings of contempt of Court under Sections 10, 15 and 16 of the Contempt of Courts Act. It is submitted that the respondent No.1, who is his wife has filed some false affidavits and made false statements in the pending proceedings under the Domestic Violence Act, 2005 i.e. Case No.265/2022 and, therefore, she is liable for contempt. The petitioner has also made respondent No.2 a practicing Advocate representing his wife as a contemnor. It is alleged that before filing the affidavit, lawyer has not ensured the correctness of the

information supplied by the client and thus, he also falls in the arena of contempt. The petitioner also seeks the order of contempt against the learned Magistrate, who is ceased with the proceedings filed under the Domestic Violence Act. It is alleged that the Magistrate knows the real facts as well as the petitioner has explained the facts, however, the Magistrate has rejected his application.

4. To the next, the petitioner seeks for quashing the pending proceedings filed under the Domestic Violence Act on account of *prima facie* material and lastly, the petitioner prayed for initiation of preliminary enquiry for the offence falling under Section 195 of the Code of Criminal Procedure i.e. for contempt of lawful authority. The respondent wife has filed a proceedings under the Domestic Violence Act, which is pending. In said proceedings, the petitioner has filed some applications, which are rejected. If it is a case of contempt, the Magistrate has to verify and make a reference to the Court.

5. As regards to the quashing of the Domestic Violence proceedings, the petitioner may avail the remedy before appropriate forum. As regards the action under Section 340 of the Criminal Procedure Code, the petitioner has to apply to the concerned Magistrate for initiation of the action. Obviously, it is the discretion of the Magistrate to see whether it is expedient in the interest of justice to take action in that case, the proceedings would be initiated. Moreover, if such an application is rejected, it is amenable for challenges. By and large, we see no justifying reason to initiate the action, which is sought.

The petition is meritless hence disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)