

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

CRIMINAL WRIT PETITION NO.388 OF 2024

Anandarao S/o Marotirao Kharabe Vs. Madhuri W/o Anandrao Kharae

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

Court's or Judge's orders.

Shri Shraddhanand Bhutada, Advocate for petitioner.

CORAM : M.W. CHANDWANI, J.

DATE : APRIL 30, 2024.

Heard.

2. The petition challenges the order dated 12.02.2024 passed below Exhibit-16 in M.C. Application (PWDVA) No.18 of 2023, thereby rejecting the application of the petitioner for dismissal of the complaint filed by the respondent under the provisions of the Protection of Women from Domestic Violence Act, 2005.

3. The contention is that the petitioner and the respondent are residing separately since last more than 40 years and the petitioner is paying Rs.6,000/- per month towards maintenance under the dictum of the Court in proceedings under Section 125 of the Code of Criminal Procedure. It is contended that after substantial gap the present application has been filed by the respondent claiming herself to be an aggrieved person and essentially alleging that domestic violence in the form of economic abuse. The further contention is that without there being any

deprivation any economic or financial resources she has filed the compliant which is not maintainable. The sum and substance of the contention of the learned counsel for the petitioner is that there is no communication or demand made by the respondent to the petitioner, she straightway complaint came to be filed.

4. Issue notice to the respondent, returnable within two weeks.

5. The petitioner is at liberty to apply before the trial Court for adjournment, which will be considered by the trial Court appropriately.

JUDGE

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