



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

**14 CRIMINAL WRIT PETITION NO.6 OF 2025**

SUDAM MAHADA WALALE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Mr. P. V. Tapse Patil, Advocate for the Petitioner.  
Mr. N. R. Dayama, APP for Respondent No.1/State.  
...

**CORAM : SMT. VIBHA KANKANWADI &  
ROHIT W. JOSHI, JJ.**

**DATE : 13 JANUARY 2025**

**ORDER :**

. Leave to correct. Amendment to be carried out within two days.

2. Heard learned Advocate for the petitioner. It appears that Criminal M. A. No.372 of 2022 is filed by respondent No.2 before learned Judicial Magistrate First Class, Hingoli for various reliefs under Section 12 of the Domestic Violence Act. Now, the applicant submits that he is resident of Pune and the proceedings has been filed in Hingoli. It is difficult for him to attend the proceedings before the Court at Hingoli. He also submits that he is a handicapped person.

3. It is to be noted that the said application appears to have been filed on 22.08.2022. Say has been filed by the present applicant on 27.09.2023. Upon inquiry, learned Advocate appearing for the petitioner submits that the petitioner has not preferred any application for expediting the proceedings before the learned Magistrate. We would like to submit that the proceedings under the Domestic Violence Act *per se* is not penal in nature, still if on any date the petitioner wants to remain absent, then with the permission of the Court he can. Taking into consideration the reasons now given, no writ can be issued as the learned Judicial Magistrate First Class would be flooded with cases of similar nature as well as other cases. There would be similar or some difficulties for the parties appearing in those matters to attend the case. Necessary provisions are there in the enactment which can be used by the petitioner and, therefore, no case is made out for exercise of Constitutional powers of this Court. Hence, the petition stands rejected at the threshold.

**[ ROHIT W. JOSHI ]**  
**JUDGE**

**[ SMT. VIBHA KANKANWADI ]**  
**JUDGE**

scm