



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
901 CRIMINAL APPLICATION NO. 1397 OF 2022**

Ashruba Tatyaba Borgaonkar

....Applicant

VERSUS

Subhadra W/o Ashruba Borgaonkar

.....Respondent

.....

Advocate for Applicant : Mr. Thorat Nanabhau R (Absent)

Advocate for Respondent : Adv. Hanumant P. Jadhav For R/1 (through Legal Aid)

CORAM : MEHROZ K. PATHAN, J.

DATE : 9TH DECEMBER, 2025.

P.C. :-

1. The applicant has approached this Court seeking quashment of proceedings under the Domestic Violence Act filed by the sole respondent wife on various grounds.

2. The matter is pending hearing since 2022. The order sheet shows that the learned counsel for the applicant has remained absent on several dates and despite the indulgence shown by this Court, the counsel for the applicant has failed to work out the matter.

3. It is informed by the learned appointed counsel for the respondent that the proceedings which are under challenged has itself been disposed by the learned JMFC, Court No.3, Aurangabad in Criminal Misc. Application NO. 4640 of 2021. The matter was listed yesterday on board i.e 8/12/2025, however, the counsel for the applicant has failed to appear. The appointed counsel for the respondent was directed to inform the counsel appearing for the applicant that the matter would be taken up for final disposal today i.e on 9/12/2025. Today, when the matter is called out, the learned appointed counsel for respondent No.2 informs

that he has already intimated Shri Thorat, Advocate for Applicant, about the matter being listed today for final disposal. However, again, the counsel for the applicant has chosen not to remain present.

4. It is informed that the proceeding which are under challenge in the present application, had itself been decided by the order dated 29.8.2023 passed by the learned JMFC, Court No.3, Aurangabad, and that the Execution Proceeding was also filed by the respondent wife, wherein, the learned 3rd JMFC, Aurangabad vide order dated 3.2.2025 has already directed deduction of Rs. 6,000/- from the Pension Account of the present applicant – Ashruba Tatyaba Borgaonkar, through communication issued by the Principal Controller of Defence Accounts (Pensions), Draupadi Ghat, Prayag Raj and the same shall be deposited in the account of the respondent - Subhadra Ashruba Borgaonkar maintained in the State Bank of India, Chawni Branch, Aurangabad. A copy of the affidavit along with order dated 29.8.2023 is taken on record and marked as 'X' for identification.

5. Thus, taking into consideration the aforesaid fact that the proceeding itself has been decided long back in the year 2023 and that the applicant has chosen not to remain present, the present criminal application is disposed of as infructuous as the cause of action for filing of the present application does not survive.

6. Application stands disposed of accordingly. Fees of the appointed counsel shall be quantified at Rs. 10,000/- to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

[MEHROZ K. PATHAN]
JUDGE.

grt/-