

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.45 OF 2023

Lalasaheb Rajaram Jadhav ...Petitioner
Versus
Lakhan Dattu Shinde & Ors. ...Respondents

Ms. Bhagyashri Mangale a/w. Mr. Tejas Shinde, for the Petitioner.

Ms. P. P. Bhosale, for the Respondent No.5-State.

None appears for the Respondent Nos.1 to 4 despite service.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 9th JUNE 2025**

P.C. :

1. Heard Ms. Mangale, learned Counsel appearing for the Petitioner and Ms. Bhosale, learned APP appearing for the Respondent No.5-State.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the order dated 11th July 2022 passed by the learned J.M.F.C., Karmala, Dist. Solapur. By the said order, complaint was dismissed for want of prosecution. The said order dated 11th July 2022 reads as

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“ORDER BELOW EXH.1

This is a complaint case. On perusal of roznama it appears that complainant is absent persistently. Case is posted for verification witnesses of the complainant. Sufficient opportunity was availed by the complainant. Despite of it, he has not appeared and proceeded further with the complaint. Today also complainant is absent when called repeatedly. It appears that complainant has not interest in the complaint. There are no sufficient grounds for proceeding with the complaint. Matter cannot be proceeded further without presence of the complainant. Hence, the following order.

ORDER

Complaint is dismissed for want of prosecution.”

3. It is the submission of the learned Counsel appearing for the Petitioner that on 15th March 2022 verification was partly recorded and thereafter the matter was adjourned to 11th May 2022. On 11th May 2022, the matter was kept on 14th June 2022. On 11th May 2022, learned Advocate appearing for the Petitioner had appeared and sought time. On 14th June 2022, as the Petitioner was not well, he could not appear in the Court.

4. It is the further submission of the learned Counsel

appearing for the Petitioner that on 11th July 2022, the Petitioner and his Advocate were present before the Court. However, their appearance was not noted.

5. As none appears for the contesting Respondents, despite service, the above contentions raised by the learned Counsel appearing for the Petitioner as well as contentions raised in the Writ Petition, have remained uncontroverted.

6. Perusal of the record shows that the private complaint has been filed bearing SCC No.264 of 2019 alleging offence under Sections 323, 324, 504, 506 read with Section 34 of the Indian Penal Code, 1860. The verification which has been recorded on 15th March 2022 shows that the offence is serious.

7. Accordingly, in the interest of justice, order dated 11th July 2022 passed by the learned J.M.F.C., Karmala, Dist. Solapur below Exhibit-1 in SCC No.264 of 2019 is quashed and set aside and the said SCC No.264 of 2019 is restored to the file of learned J.M.F.C., Karmala, Dist. Solapur.

8. The Writ Petition is disposed off in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]