

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.282 OF 2025

Saheblal Alias Manoj And Ors. ... Applicants
Vs.
Nisha Sahablal Jaiswal And Ors. ... Respondents

Mr. Monish K. Vig, Advocate for the Applicants.

Ms. Shilpa G. Talhar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th DECEMBER, 2025.

P.C. :

1. Heard Mr. Monish K. Vig, Advocate for the Applicants and Ms. Shilpa G. Talhar, learned APP for Respondent/State.

2. By the present application the Applicant has sought for the following substantive relief:-

a. This Hon'ble Court may be pleased to exercise its power under Section 482 of the Code of Criminal Procedure, 1973 in correspondence with Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 and may be pleased to quash and set aside the PW.D.VA. No.448 of 2018 pending on the file of the Ld. Judicial Magistrate First Class, Court No.6, Thane.

3. Mr. Monish K. Vig, learned Advocate for the Applicant submits

that the grievance of the Applicant essentially is that the Respondent No.1 had initially filed proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 (PWDVA) bearing Criminal Case No.13 of 2015 before the First Additional Chief Judicial Magistrate at Varanasi. He submits that during the pendency of the said proceedings before the Varanasi Court, the Respondent No. 1 had filed similar proceedings bearing PWDVA Application No.448 of 2018 under the PWDVA before the Court of the Judicial Magistrate First Class, Court No. 6 Thane, at Thane. He therefore submits that the Applicant was made to face proceedings before the Varanasi Court, as well as before the Thane Court Mumbai on the same issue. He points out to Order of the Hon'ble Supreme Court in Transfer Petition No.190 of 2017, pertaining to Criminal Case No.13 of 2015 before the First Additional Chief Judicial Magistrate at Varanasi and Case No. 18 of 2016 before the Principal Judge, Family Court, Jounpor, U. P. ((Page 36-37 of the paper book).

4. Mr. Monish K. Vig fairly submits that Criminal Case No.13 of 2015 before the First Additional Chief Judicial Magistrate at Varanasi filed by the Respondent No.1 was dismissed for default/ Non prosecution. He further submits that no interim order were passed in the said Criminal Case No.13 of 2015. He further submits that the

Respondent No.1 is pursuing the proceedings bearing PWDVA Application No.448 of 2018 before the Thane Court.

5. Perused the records with the assistance of Mr. Monish K. Vig, learned Advocate for the Applicant.

6. Vide order dated 31st October, 2022, the Judicial Magistrate First Class, Thane had granted interim reliefs / monetary reliefs to the Respondent no. 1 in PWDVA Application No.448 of 2018.

7. Applicant had questioned the said Order dated 31st October 2022 by filing PWDVA Appeal No.88 of 2023 before the Additional Sessions Judge, Thane. Applicant and the Respondent No.1 amicably resolved subject matter of the said Appeal, consequently, PWDVA Appeal No.88 of 2023 was disposed of on 22nd May, 2024 by passing the following order:-

1. PWDVA Appeal No.88/2023 is partly allowed.
2. The judgment and order passed in PWDVA Application No.448/2018 dated 31.10.2022 is hereby set aside and matter is remanded back to the learned Trial Court for fresh hearing.
3. The learned Trial Court shall decide the matter on merits after giving an opportunity of filing say by appellant and opportunity of leading evidence/hearing to both the parties.
4. Inform to the learned Trial Court accordingly.

8. Considering the factual situation namely the fact of the proceedings filed by the Respondent No.1 before the Varanasi Court being dismissed/disposed of and the Respondent No.1 pursuing the PWDVA Application No.448 of 2018 before Judicial Magistrate First Class, Thane, the grievance raised by the Applicant in the present Applicant would not survive. Vide order dated 31st October, 2022 passed in PWDVA Appeal No.88 of 2023, proceedings of PWDVA Application No.448/2018 are remanded to the Court of the Judicial Magistrate First Class, Thane, for hearing afresh.

9. In view of the above, no indulgence is warranted in the present Application.

10. Criminal Application No.282 of 2025 is without any merits and as such dismissed. There shall be no order as to costs.

(ASHWIN D. BHOBE, J.)