

P.W.D.V.A. No. 28/2023
Shivani Vs. Chandrashekhar

Order below Exh.8

(Passed on dated 31/01/2024)

The present application is filed by non-applicant No. 3 under Section 238 of the Code of Criminal Procedure for discharge. Perused application and say at Exh. 9. Heard both sides Advocates. The non-applicant No. 3 submitted that, she is suffering from loco-motor disability of 72%. There is no specific allegation against the respondent No. 3 and not demanded any relief against her. The Advocate of respondent No. 3 also point out that the N.C. report is filed by applicant against only respondent No. 1. The Advocate of applicant strongly opposed to discharge the name of respondent No. 3. The Advocate of applicant argued that the incident of domestic violence against the respondent No. 3 is stated by applicant in his application. The application under Section 12(1), 20, 22 and 23 shows that the specific allegation pleaded against the respondent No. 3. In my view, the respondent No. 3 is suffering from loco-motor disability is not sufficient ground for discharge her from the application. The contents of application shows that respondent No. 3 is committed the domestic violence against the applicant. The applicant prayed for protection order against the all non-applicants. Hence, in these facts and circumstances, the application is rejected.

Ramtek.
Date : 31/01/2024

Sd/-
(H. S. Satpute)
Judicial Magistrate First Class,
Ramtek.