

Cri.M.A. 345/2017
Purnajyoti Durgam Vs.
Shivshankar Durgam
EXH.32

This is an application under section 340 of the Cr.P.Code to start inquiry an offence repair to in clause (b) of sub section (1) of section 195 of the Cr.P.Code. Main application is under section 12 of the Protection of Woman from Domestic Violence Act (for short the protection act)

2. Perused the application, say, written argument and the documents.

3. Heard both sides.

4. It is pleaded by the respondent that the applicant have filed false and frivolous documents to show income source of the respondent. The applicant has prepared these documents with the help of advanced graphic technology through computer and net site. The respondent approached to the government authentic and company law authorities. He obtained certify copies of the concern establishments. The firms and companies shown by the applicant do not belong to the respondent. The applicant has filed all these forged documents in evidence with an ulterior motive to misguide the court and to get the interim maintenance amount.

5. It is further pleaded by the respondent that the applicant has stated before the court that an offence under section 307 of IPC was registered and the respondent was sentenced to jail by an order of conviction. But the applicant has not filed any document to that effect in spite of the directions of this court. Lastly the respondent prayed to

initiate inquiry against the applicant for filing of the false documents.

6. Say of the applicant in brief is that before the first meeting of marriage the father of the respondent introduced himself as a landlord and belongs to profession as a businessman having some industries like soap factory, Dall mill , Dairy, Construction company. He has also stated at that time that he has 50 acres of land having mango tress, own residence house, some flats and banglow etc.

7. It is further pleaded by the original applicant that the applicant has no idea about the property of the respondent in details. But she tried to get some information through websites based on the information given by the respondent's father. The respondent was using his landline no.040-24652742 for their business firm Gladwin Pharmaceuticals Ltd. Hyderabad. But recently he requested to change his landline number and deleted the same from online website. The respondent father is still the Managing Director for Vijaya Laxmi Constructions (P) Ltd. Hyderabad as per website <https://in.linkedin.com/in/durgam-jaipal-889917ab>.

8. The respondent is intentionally extending the courts valuable time by complaining irrelevant matter section 307 of IPC to divert the main application. The respondent had mentioned his annual salary about 7lakhs in matrimonial biodata. After the case has been filed the respondent has submitted a fake report of salary stating that the monthly income is about Rs.34,000/-. Lastly the applicant prayed to consider pleading to sanction the interim maintenance.

9. In short the original applicant has denied allegations of the respondents. Due to this application, the course of the main application has been changed. As per section 12(5) of the Protection Act it is expected that the main application should be disposed off within 60

days from the date of its first hearing. The present application exh.32 has been filed on 20/04/2019. It shows that the application is pending for near about five years. Therefore to conduct further inquiry in the present matter and to give finding on it will amount denial of justice to the applicant relating to her prayer in main application. Interim application 23 of the Protection Act is yet to be decided. It is necessary to focus on the main application. Under these circumstances to proceed with the main application the present application is liable to be dismissed with liberty to the respondent to file separate criminal miscellaneous application. Hence the following order.

Order

1. The application is rejected.
2. The respondent shall have liberty to file separate criminal miscellaneous application for inquiry under 340 of the Code of Criminal Procedure.
3. Matter be kept for argument on interim application.
4. The parties to note that the interim application shall be decided first.
5. Copies be given both the parties free of cost.

Date : 02/03/2024

sd/-
(S.G.Dubale)
Judicial Magistrate First Class,
Khadki, Pune.