

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 3868 OF 2024

Israr Ahmed Ibrahim Shaikh and Ors. Petitioners

Versus

The State of Maharashtra and Anr. Respondents

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Adv. M. A. Khan a/w Adv. H. I. Sirguroh, Adv. Mohsina Khan, Adv. Affan and Adv. Gaurav Pathak , Advocate for the Petitioners.
Adv. D. S. Krishnaiyer, APP, Advocate for the Respondent - State.

CORAM : R. M. JOSHI, J.

DATE : 12th SEPTEMBER, 2024.

P.C. :

1. Heard.
2. Learned counsel for the Petitioner has brought to the notice of this Court that the previous proceeding filed by the contesting Respondents under the provisions of protection of women's from Domestic Violence Act, 2005 and the order/award passed by the concerned Court in Lok Adalat on the basis of compromise between the parties. It is submitted that in spite of this

fact, another complaint has been filed under the same provisions.

3. Learned APP has drawn attention of this Court to the complaint to make submissions that in case of the continuous offence filing of subsequent complaint is tenable. However, the said complaint indicates that the contention of Respondent is that in the previous D. V. proceeding, award passed in Lok Adalat is said to be obtained by fraud. If it is so, though may be open for the Respondent to challenge this order by filing a Writ Petition but in no circumstances the same can become a ground for filing a fresh proceedings.

4. In view of this, Petitioner has made out arguable case. Till next date of hearing D. V. Proceeding baring No.1 of 2022 pending before the Hon'ble Metropolitan Magistrate Court, Andheri, shall stand stayed.

5. Issue notice to the Respondents, returnable on 16th October, 2024.

(R. M. JOSHI, J.)