

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

CRI. WRIT PETITION NO. 370 OF 2015

Shri Rajesh Damodar Rokade & Ors. ... Petitioners.

V/s.

The State of Maharashtra & Others. ... Respondents.

Mr. Anand S. Patil, Advocate for the Petitioners.

Mr. A. R. Patil, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 06th APRIL, 2015

P.C. :

1 Heard the learned Advocate for the Petitioners and the learned APP for the State.

2 This writ petition is filed for quashing the proceedings filed under section 12 of the Protection of Women from Domestic Violence Act. Respondent no.2 and respondent no.3 are applicants before the trial Magistrate. It is submitted that the petitioners have filed reply to the application filed by respondent no. 2. In these circumstances, this petition is premature. The learned Magistrate has to consider the reply and decide whether he should proceed further in the matter or

shall dispose of the application on the basis of the reply/affidavit filed by the petitioners.

3 Hence, this petition is dismissed. The learned Magistrate is directed to consider the reply filed by the petitioners and decide as to whether there is a case for proceeding further.

4 Liberty is given to the petitioners to move this court afresh, if the Magistrate refused to give any relief.

5 Order accordingly.

(JUDGE)

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