

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

CRI. WRIT PETITION NO. 1118 OF 2015

Mr. S. P. S. V. Kannan & Anr. ... Petitioners.

V/s.

Niharika Praveen Kannan & Anr. ... Respondents.

Mr. Kuldeep Nikam, Advocate for the Petitioners.

Smt. A.A.Mane, A. P.P. for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 12th JUNE, 2015

P.C. :

1 Admit. Heard finally.

2 This petition seeks quashment of the proceedings pending against the petitioners under section 12 of the Protection of Women from Domestic Violence Act, 2005 pending in the Court of Metropolitan Magistrate, 68th Court. Earlier it was pending in the 45th Court of Metropolitan Magistrate at Kurla.

3 A notice was issued to the petitioners in the month of February, 2015. It is submitted by the learned counsel for the respondent no.1 that the petitioners have never appeared before the trial court and that they have not filed reply. It is

further submitted that the learned Magistrate has directed the ex-parte proceedings.

4 In fact the petitioners should have appeared before the trial Magistrate and should have filed reply to the petition filed by respondent no.1. They could have brought to the notice of the learned Magistrate that there was no prima-face case to proceed against them and that they could have prayed for dropping of the proceedings filed against them by the respondent no.1

5 This Writ petition is premature. It is, therefore, dismissed.

(JUDGE)

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