

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

CRI. WRIT PETITION NO. 3316 OF 2015

Sameer Mahadev Mahale & Ors. ... Petitioners.

V/s.

Saili Sameer Mahale & Anr. ... Respondents.

Ms. Vijaya S. Jagdale, Advocate for the Petitioners.

Ms. S.V. Gajare, APP for Respondent No.2-State.

CORAM : A. V. NIRGUDE, J.

DATED : 20th NOVEMBER, 2015

P.C. :

1 This writ petition deserves to be dismissed even without waiting for Respondent No.1 to attend the case. This petition seeks quashing of the proceedings pending before the learned Judicial Magistrate, First Class, Thane for reliefs claimed under certain provisions of the Protection of Women from Domestic Violence Act, 2005. Respondent No.1- wife has filed the application before the learned Metropolitan Magistrate's Court at Thane. Petitioner No.1 appears to be the husband to Respondent No.1. It is asserted at the bar that Respondent No.1, the Applicant wife, before the lower court made a false statement that she resided at Thane just to enable her to file the case at the Thane Court. According to the learned counsel for the Petitioner, the application of

respondent no.1 wife cannot lie in Thane Court as the cause of action as well as the parties reside outside the local jurisdiction of the said court.

2 From perusal of the application, it is seen that Respondent No.1/ the Applicant wife stated very clearly that she resides in Thane and therefore, the case was filed by her in Thane Court. This fact, if controverted, would give rise to the question of facts, which shall be decided by the lower court.

3 Hence, the present petition fails and stands dismissed accordingly.

(A.V.NIRGUDE,J.)

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