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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3652 OF 2013**

Parvez Kapadia and Ors. ... Petitioners

Versus

Pravin P. Kapadia and anr. ... Respondents

Mr. Anil G. Lalla along with Ms. Beerta Bajwa i/by Lalla & Lalla for the petitioner.

Mr. A.M.Rajabally for respondent no. 1.

Mr. V.B.K. Deshmukh, A.P.P. for State.

**CORAM : M.L. TAHALIYANI, J.
DATED : APRIL 21, 2015**

P.C.

Admit. Heard finally.

2. Heard counsel for the petitioners, respondent no. 1 and learned A.P.P. for the State.

3. The petitioners have moved this court for quashing the proceedings pending against them in the court of Metropolitan Magistrate, 25th Court, Mazgaon. During the course of hearing of this petition, it is brought to my notice that the learned Magistrate has passed an interim order granting monetary relief to respondent no. 1. The said order is passed against

petitioner Parvez Kapadia. The Magistrate has also granted access to children to petitioner no.1. Third relief is in respect of residence. Three appeals filed by petitioner no.1 are pending before the Sessions Court and one appeal filed by respondent no. 1 for enhancement of maintenance is also pending before the Sessions Court. In the circumstances, this petition for quashing the whole proceedings cannot be entertained.

4. However, as far as petitioner nos.2 and 3 are concerned, there are no specific allegations made against them. The allegations made against them are vague. They have been roped into this proceeding only to cause harassment to them. Therefore, I pass the following order :

(a) Petition of petitioner no.1 is dismissed.

(b) Petition in respect of Petitioner nos. 2 and 3 is allowed. The proceedings pending against petitioner nos. 2 and 3 pending in the court of Metropolitan Magistrate, Mazgaon, in Case No.750/MISC/2011 are hereby quashed. Petition stands disposed of. Ad interim stay granted earlier shall stand vacated as far as petitioner no. 1 is concerned.

(JUDGE)