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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3960/2017, CRL MA 15964-65/2017

RAKESH BHARTI MITTAL & ORS Petitioners

Through Mr. Arun Khosla, Adv

versus

INAYAT RAI BHARTI MITTAL Respondent

Through None

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **22.09.2017**

Respondent no.1 had filed an application under Section 12 of the Protection of Women from Domestic Violence Act (the Act, in short) against the petitioner before the Metropolitan Magistrate, Delhi. Metropolitan Magistrate, Delhi has passed an order thereby summoning the petitioners.

Section 29 of the Act provides remedy of appeal to the petitioners against the order passed by the Metropolitan Magistrate under the Act. Accordingly, I am not inclined to entertain this petition under Section 482 of the Code of Criminal Procedure, to exercise the inherent jurisdiction of this Court against the summoning order.

Learned counsel submits that the Metropolitan Magistrate could not have issued the directions for filing of the affidavit of assets to the petitioners, thus the order is without jurisdiction.

This alone cannot be a ground to bypass the remedy under Section 29 of the Act, available to the petitioners. Appellate Court can also go into the question of legality of this point.

At this stage learned counsel seeks leave to withdraw the petition and submits that he will approach the Appellate Court.

Petition is disposed of as withdrawn.

Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J

SEPTEMBER 22, 2017

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