

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3718 OF 2019

Kundan Shantaram Kolhe and anr. : Petitioners.  
Versus  
Netra Ashish Kolhe and anr. : Respondents.

Mr. Archit Jayakar a/w Ms. Pooja Yadav i/by Jaykar And Partners for the  
Petitioners.  
Mr. N B Patil, APP, for the Respondent/State.

CORAM : S. S. SHINDE, J  
DATE : 28<sup>th</sup> August 2019

P.C.

1 This Petition takes exception to the notice under Section 13(1) of the Protection of Women from Domestic Violence Act issued against the Petitioners by the learned Judicial Magistrate First Class at Pune on 26/06/2019 in Criminal Miscellaneous Application No.2769 of 2017.

2 Heard the learned counsel for the parties.

3 Respondent No.2 has filed the aforesaid Criminal Application (Domestic Violence Complaint) in the Court of Judicial Magistrate First Class at Pune. In the said complaint, the learned Magistrate issued notice to the Petitioner to appear before the said Court. Perusal of the contents of the notice would make it clear that, the said notice is issued to the Petitioners to appear before the said Court and show cause as to why the prayer of the Applicant i.e.

the complainant should not be granted. It is pertinent to mention at this stage that pursuant to the said notice the Petitioners have to appear before the said Court and, file their say in the said Complaint and contest the proceedings before the said Court.

4           This Court is of the opinion that this Petition is premature inasmuch as the Petitioners have only received the notice and, the contents thereof show that the Petitioners have to appear before the said Court and file their say.

5           The learned counsel for the Petitioners submits that the Petitioners are residing abroad. In that case, if advised, the Petitioners can file their Say through Advocate, but the said Say shall be affirmed by the Petitioners, and also they can file an application for exemption before the concerned Court. Needless to observe that, if such application is filed, the concerned Court may consider the prayer of the Petitioners for exemption liberally, however, on a condition of filing the Say as afore-stated.

6           In that view of the, this Court is not inclined to entertain this Petition. Hence the Writ Petition stands rejected.

**[S. S. SHINDE , J]**