

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 1106/2018

Raghuvir S/o Ganeshrao Chakrawar & ors.

..VS..

Sau. Priti W/o Raghuvir Chakrawar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.R. Agrawal, Advocate for the applicant(s)
Shri V.D. Darne, Advocate for the non-applicant

CORAM : Z.A.HAQ, J.
DATED : 05/03/2019

Heard.

The non-applicant has filed application under Section 12 of the Protection of Women From Domestic Violence Act, 2005 against the applicants. By the order dated 12/04/2018, the learned Magistrate has directed issuance of notice to the present applicants. This order is challenged by the applicants on the ground that notices are issued to them without application of mind and without recording any reasons.

In the judgment given in the case of Kunapareddy alias Nookala Shanka Balaji vs. Kunapareddy Swarna Kumari reported in (2016) 1 SCC at page 774, the Hon'ble Supreme Court has held that the proceedings under the Act of 2005 are predominantly of civil nature.

Considering the nature of proceedings, in my view, the learned Magistrate is not required to pass a reasoned order while directing issuance of notice of the proceedings before him to the non-applicants. If any of the non-applicant feels that he/she is wrongly impleaded in the proceedings, he/she can apply for dismissal of the proceedings against him/her.

In view of the above, I see no reason to interfere with the impugned order.

The criminal application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari