

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3113 OF 2016**

Shahid Akhtar Attar & Ors.	...Petitioners
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. H. N. Mirashi for the Petitioners

Mr. S. R. Agarkar, A.P.P for the Respondent No.1-State

Ms. Uma Wagle for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
MONDAY, 3rd OCTOBER, 2016

P.C. :

1. Heard learned Counsel for the petitioners.

2. By this petition, the petitioners have sought the following prayers :

“(a) That this Hon'ble Court may be pleased to issue a Writ of any appropriate nature, writ or directions to the trial Court for considering settlement and referring the case for mediation, or this Hon'ble Court may refer the case for mediation by the High Court mediation cell.

(b) That, pending the hearing and final disposal of this Petition, directed the Ld Magistrate to invoke provision under

section 14 of the Protection of Women against Domestic Violence Act.

(c) That the cost of this Petition, please be provided to the Petitioner.

(d) That any other reliefs, as deem fit and proper in the nature and circumstances of the case may please be granted to the Petitioners.”

3. Learned Counsel for the respondent No. 2 raises a preliminary objection. She states that the prayers are not maintainable. She submits that the petitioner No. 1 i.e. the husband of the respondent No. 2 is in arrears of maintenance to the tune of Rs. 1,92,000/-. She submits that despite the Consent Terms entered into by and between the parties, the petitioners have flouted the said orders.

4. Perused the papers, in particular, the substantive prayer, being prayer clause (a) as reproduced in para 2 of the order. The said prayer clause (a) cannot be granted. As the substantive prayer i.e. clause (a) is not granted, the question of interim relief as sought for in prayer clauses (b), (c) and (d) cannot be considered. Accordingly, the petition is disposed of as not maintainable.

REVATI MOHITE DERE, J.