

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2168 OF 2017**

Guddusab s/o. Sardar Sasture .. Applicant

Versus

Sardar s/o. Mehboob Sasture .. Respondent

Mr.Suvidh S. Kulkarni, Advocate for the applicant.

**CORAM : T.V. NALAWADE,J.**

**DATED : 02.05.2017**

**P.C. :-**

1. This application is filed to challenge order dated 15.04.2017 made below Exh.25 in Misc. Criminal Application No.804 of 2016, which is pending in the Court of J.M.F.C., Omerga. Said proceedings are filed by the respondent under section 125 of Cr.P.C. In the said proceedings, application Exh.25 was filed by the present applicant. The respondent took preliminary objection. It is contention of the present applicant – son of the respondent that the respondent has suppressed many material facts before the J.M.F.C. and his approach is only to harass the present applicant. He submitted that the respondent was working in S.T. Department and he is getting pension. It is submitted that the respondent is directed to pay maintenance to his wife and that circumstance is also suppressed from the Court. It is

submitted that in view of the conduct of the respondent, maintenance cannot be awarded in favour of the respondent that too from present applicant as the applicant was not maintained by the respondent. The submission was also made that the respondent was convicted for offence punishable under section 324, 323 etc. of the IPC.

2. The aforesaid contention of the applicant can be considered only on merit after evidence is given by both the sides on this point. At the outset, the proceedings filed under section 125 of Cr.P.C. cannot be dismissed and so, the learned J.M.F.C. has rightly rejected the application. There is no possibility of interference in the impugned order. The Criminal Application is rejected.

**[T.V. NALAWADE, J.]**