

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

915 CRIMINAL WRIT PETITION NO.1525 OF 2019

**BHIKAJI S/O. GOVIND KALE
VERSUS
KANTABAI W/O. BHIKAJI KALE**

Mr. K. N. Shermale, Advocate for the petitioner

CORAM : N. R. BORKAR, J.

DATE : 12-10-2021

P. C.

. By this petition a prayer is made to quash the proceeding filed by the respondent under Section 125 of the Code of Criminal Procedure for maintenance.

2. The submission is Misc. Criminal Application No. 75 of 1989 was filed by the respondent for maintenance under Section 125 of the Code of Criminal Procedure against the petitioner. It is submitted that out of court settlement was arrived at between the parties and in the said settlement, the respondent *inter-alia* relinquished her right of maintenance. It is submitted that after out of court settlement, Misc. Criminal Application No. 75/1989 was withdrawn by the petitioner. It is submitted that the present application filed by the petitioner, is therefore, nothing but abuse of the court process.

3. The question, whether the respondent had relinquished her right of maintenance or not cannot be entertained in the writ jurisdiction to quash the proceedings. Therefore, the petition is dismissed.

4. At this stage the learned counsel for the petitioner submits that the matter was not listed for admission and it was listed in order matter category as the notice issued to the respondent is awaited. However, after arguing the matter, this submission can not be heard.

[N. R. BORKAR, J.]

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