

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.145 OF 2022

Bhavesht Bhupendra Kansara & Ors. ...Applicants
V/s.
Raunak Bhavesht Kansara & Anr. ...Respondents

Ms. Kalpana Trivedi for the Applicants.
Mr. G. T. Kanchanpurkar for Respondent No.1.
Ms. G. P. Mulekar, APP for the Respondent No.2 (State).

CORAM : AMIT BORKAR, J.
DATE : OCTOBER 6, 2022

PC.:

1. Applicant No.1 is the husband. By order dated 19th June 2019, the husband-applicant No.1 was directed to pay an amount of Rs.37,000/- towards maintenance to respondent No.1.

2. On 4th May 2022, the statement was made on instructions from applicant No.1 that applicant No.1 is ready to deposit 30% of arrears of maintenance which was to the tune of Rs.22,00,000/-. Accordingly, this Court directed the applicants to deposit Rs.2,50,000/- before the learned Magistrate before 12th

May 2022, and thereafter, Rs.5,00,000/- till 13th June 2022.

3. It is undisputed that the order dated 4th May 2022 is not complied with by applicant No.1-husband. Applicants Nos.2 to 6 are the in-laws of respondent No.1.

4. In that view of the matter, the Application cannot be entertained at the instance of applicant No.1 for non-compliance with the order of this Court and non-payment of the amount of maintenance. Accordingly, the Application at the instance of Applicant No. 1 is dismissed.

5. Insofar as applicants Nos.2 to 6 who are in-laws are concerned, by impugned order dated 19th June 2019, the learned Magistrate has directed them to pay an amount of Rs.6,00,000/- towards compensation. However, a perusal of the order shows that there are absolutely no reasons why applicants Nos.1 to 6 are directed to pay an amount of Rs.6,00,000/-. It is unclear under which provision of the Domestic Violence Act impugned order has been passed, nor is there satisfaction about the ingredients of any of the provisions under the Domestic Violence Act recorded in the order.

6. In that view of the matter, in the absence of reasons, clause 4 of the impugned order cannot be sustained. I, therefore, pass the following order:

- (i). The Criminal Revision Application No.145 of 2022 at the instance of applicant No. 1 stands dismissed.
- (ii). The Application at the instance of Applicant Nos.1 to 6 is partly allowed to the extent of clause 4. Clause 4 of the order dated 19th June 2019 is set aside. The learned Judicial Magistrate, First Class, Palghar, Court No.1 shall re-consider the Application below the Application under Section 12 filed by respondent No.1 fresh in accordance with the law.
- (iii). Considering the facts and circumstances of the present case, the Application shall be decided on merits within three months from today.

(AMIT BORKAR, J.)