

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2195 OF 2022

Rajesh Manohar Gujar

Petitioner

versus

The State of Maharashtra and another

Respondents

Mr.Sachin Gite, Advocate for petitioner.

Mr.S.P.Dighe, Advocate for respondent no.2.

Mr.S.R.Agarkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th September 2022

PC :

1. The petitioner is aggrieved by order dated 25th October 2021 passed by learned Additional Chief Judicial Magistrate, Nashik in below Exhibit-32 in D.V.Application No.412 of 2020 and subsequent order dated 16th April 2022 passed by Additional Sessions Judge, Nashik in Criminal Appeal No.87 of 2021.

2. Respondent no.2 is the wife of petitioner. Respondent no.2 had initiated proceedings under Section 12 of Protection of Women from Domestic Violence Act, 2012 ('D.V.Act'). The said proceedings were initiated in the year 2020. During pendency of the said proceedings respondent no.2 had preferred application before Trial Court seeking amendment of application u/s.12 of D.V.Act to implead their daughter Tanmayi as applicant in the proceedings and claiming certain reliefs for her. The application was opposed by petitioner. The said application was allowed by the Trial Court vide order dated 25th October 2021 and the said order of Trial Court was confirmed by Sessions Court vide order dated 16th April 2021.

3. Learned advocate for petitioner submitted that the daughter is in United States of America since 2018. While initiating the proceedings under D.V.Act in the year 2020 she was not impleaded as party in the said proceedings. There was no reason to implead her in this proceeding. If the daughter has any grievance, she being major, could file separate proceeding.

4. Learned advocate for respondent no.2 opposed the relief sought in this petition. It is submitted that both the Courts below have assigned reasons for allowing the applications.

5. It is not in dispute that the Court can amend application u/s.12 of D.V.Act. The person who is sought to be impleaded is daughter of petitioner and respondent no.2. In the application reasons were assigned to implead her as party. Learned Magistrate while allowing the application vide order dated 25th October 2021 has observed that the Act is beneficial legislation brought for the benefit of women. The daughter of the petitioner and respondent no.1 needs to be added as a party. Learned Sessions Judge has assigned reasons for dismissing the appeal preferred by petitioner. After analyzing the factual aspects, the Court has observed that the daughter is studying abroad. It is the duty of the petitioner to provide expenses for his daughter's education and other expenses.

6 Considering the factual aspects of the matter and the reasoned impugned orders passed by Courts below, I do not find any reason to interfere with said orders. The writ petition is dismissed and disposed off.

(PRAKASH D. NAIK, J.)