



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**Criminal Revision Application No. 170 of 2023**

Ku Laxmi D/o. Dashrath Wahane  
Age 33 Years, Occu: NIL  
R/o C/o Shri. Sanjay Tumsare,  
Kapil Nagar, Takiya Ward, Bhandara,  
Tah, Dist Bhandara.

**... Applicant**

**- VERSUS -**

1. Mr. Tridev Dasharath Wahane
2. Mr. Pramod Dashrath Wahane
3. Sau. Namrata Pramod Wahane
4. Mr. Om Dashrath Wahane
5. Sau. Preeti Dashrath Wahane
6. Mr. Rahul Dashrath Wahane
7. Mrs. Pramila Dashrath Wahane

All above 1 to 7 are Residence off  
7/O Mrs. Pramila Dashrath Wahane  
Ra. Malviya Nagar, Tumsar, Tah. Tumsar,  
Dist. Bhandara.

8. The State of Maharashtra,  
Through Bhandara Police Station,  
Bhandara.

**... Non-Applicants**

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Mr. Hitesh Khandwani, Advocate for the applicant  
Ms. Aditi Timonde, Advocate for non-applicant nos. 1 to 7  
Mr. A. R. Chutake, APP for the State/non-applicant no. 8  
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**CORAM : ANIL L. PANSARE J.**

**DATED : 13-9-2023**

## **ORAL JUDGMENT**

Rule. Rule made returnable forthwith. With consent, the application is heard finally.

2. The legality and correctness of order dated 21-12-2022 passed by learned Sessions Judge, Bhandara in Criminal Appeal No. 47 of 2021 has been challenged by the applicant.

3. The applicant is sister of non-applicant nos. 1, 2, 4, 5 and 6. The non-applicant no. 3 is her sister-in-law and non-applicant no. 7 is her mother. The applicant has filed application against the non-applicants under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'D.V. Act') claiming reliefs under Section 18, 19, 20, 22 and 23 of the said Act before the Judicial Magistrate First Class, Bhandara. The applicant sought interim maintenance as also interim order of shelter and protection under Section 23 of the D.V. Act. The learned Magistrate has rejected the prayers. The applicant assailed the order of the learned Magistrate before the learned Sessions Judge who has also found no substance in the case of the applicant. Hence, the present revision.

4. I have heard both sides. It appears that there are allegations and counter allegations. The applicant has pleaded that she

was abused and beaten by the non-applicants. They dragged her out of the house. Accordingly, prayer is made for interim maintenance of Rs. 25,000/- per month and for shelter in two rooms in the house where the non-applicants are residing. It is also the case of the applicant that she resides in the rental house for last two years. As against this, the non-applicants have alleged that the applicant is highly educated and earns Rs. 15,000/- per month. It is further alleged that she is living separately for last 2-3 years and has no concern with them. The application has been filed with ill intentions.

5. The learned Sessions Judge has taken into account the several complaints filed by the applicant to support her contention as regards domestic violence. The Court has then noted that the applicant herself stated that she has been driven out of the house for last two years. It is not her case that she has ever visited the house of the non-applicants or requested them to allow her to reside with them. The Court noted that she is residing separately for last two years but has not explained as to how she is maintaining herself if her claim that she has no source of income is true. The Court has then noted that she herself has carried her belongings with her and resided separately for considerable period. Accordingly, Court found doubt about the

existence of domestic relationship between the parties and accordingly, dismissed the appeal.

6. This order appears to be neither perverse nor illegal. The learned Sessions Court on the basis of material placed before it was *prima facie* of the view that the applicant is not in domestic relationship with the non-applicants. The applicant has not explained her source of income to maintain herself for last two years.

7. Both the Courts below have rendered concurrent findings against the applicant which appears to be consistent with the material placed before the Courts below. No interference, therefore, is required. In any case, this challenge is to the interim order passed by the learned Magistrate. The applicant may pursue the remedy by leading evidence in support of her claim. In the circumstances, I do not find any merit in the revision. The revision is accordingly dismissed.

**(Anil L. Pansare, J.)**

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