



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

25 CRIMINAL APPLICATION NO. 3311 OF 2023

KRUSHNA DATTU MAHAJAN

VERSUS

DIMPAL @ RANI W/O KRUSHNA MAHAJAN AND ANOTHER

...

Mr. Suryawanshi Surendra V., Advocate for Applicant

Mr. Jadhav Yogesh Arun, Advocate for Respondents

CORAM : Y. G. KHOBRADE, J.

Dated : 7th October, 2024

PER COURT :-

1. Heard Mr. Suryawanshi, the learned Counsel for the Applicant and Mr. Jadhav, the learned counsel for Respondent Nos. 1 and 2.

2. By the present application under section 482 of the Cr.P.C., the Applicant husband challenges the order dated 25.05.2022 passed by the learned Judicial Magistrate First Class, Chalisgaon, in PWDVA No. 159 of 2016, whereby the Applicant husband was directed to pay interim maintenance @ Rs.2000/- per month to the Non-applicant No.1 (original applicant No.1 wife) and Rs.1500/- to the present Non applicant No.2 (minor son) w.e.f. 15.01.2019 and litigation cost of Rs.1000/-.

3. The learned counsel appearing for the Applicant contended that, the non-applicant has already approached before other courts with several proceedings under the Family Laws and appropriate maintenance already been granted in favour of the non-applicant/wife, therefore, the non-applicant is not entitled for any maintenance under the provisions of D.V. Act.

4. Needless to say that, grant of maintenance in other statutory provisions of laws does not create bar to the non-applicant wife for claiming the maintenance under the provisions of D.V. Act as it is independent enactment. Therefore, the submissions canvassed on behalf of the applicant is not acceptable to my judicious conscious.

5. It is not in dispute that, on 12.02.2012, the marriage of the present Applicant solemnized with non applicant No.1 (original applicant No.1 wife). It is also not in dispute that out of matrimonial relation, the Applicant and Non applicant No.1 begotten a child Non applicant No.2. On face of record, it appears that the applicant and Non-applicant No.1 stayed together till 28.10.2016 on which day, the Non applicant wife left for her parental house and since then the present Applicant (husband)

failed to provide any maintenance to Non-applicant Nos. 1 and 2. Thereafter, the Non-applicant No.1 filed a proceeding i.e. PWDVA No. 159 of 2016 under the provisions of the Protection of Women from Domestic Violence Act. The Non applicant No.1 also filed an Application Exh. 25 and prayed for interim maintenance. After Considering the guidelines laid down by the Hon'ble Apex Court in the Case of **Rajnishi Vs. Neha, AIR 2021 SUPREME COURT 569** as well as considering the income of the present Applicant, the learned Trial Court granted interim maintenance @ Rs.2000/- per month to the Non applicant No.1 wife and Rs.1500/- to the present Non-applicant No.2 (minor son) w.e.f. 15.01.2019, which does not appear perverse, illegal or bad in law. Therefore, no interference is warranted for at the hands of this Court.

6. In view of the above, the present application is dismissed with cost of Rs.5000/- to be paid to the non applicants.

(Y. G. KHOBRAGADE, J.)

Chavan