

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4218 OF 2018

Shamrao Dharma Mane

.....Petitioner

Vs.

The State of Maharashtra and anr

.....Respondents

Mr. Rajesh A. More for the petitioner

Mr. Anand Patil for respondent no. 2

Mr. A. R. Metkari APP for the State

CORAM : GAURI GODSE, J.

DATE : 10th JULY 2024

ORDER:

1. This petition is filed by the husband challenging the concurrent Judgment and Orders passed under the proceedings filed by wife under The Protection of Women from Domestic Violence Act, 2005 ('DV Act'). Learned Magistrate has passed an order restraining the petitioner from threatening or harassing the respondent and further directed the petitioner to pay an amount of Rs. 2500/- monthly

maintenance. The said order is confirmed by the learned Sessions Judge in appeal filed by the petitioner. Hence, present petition.

2. Learned counsel for the petitioner submitted that in the proceedings filed under Section 125 of Code of Criminal Procedure, 1973, ("Cr.P.C.") parties had arrived at a settlement for the purpose of maintenance. He therefore submits that respondent is not entitled for any maintenance under the DV Act proceedings.

3. Perusal of the impugned Judgment and Orders indicates indicates that contentions regarding settlement in the proceedings under Section 125 of Cr.P.C. are considered by both the Courts. There is a finding recorded that petitioner had committed breach of conditions of the compromise.

4. It is not in dispute that petitioner has retired as a teacher. Considering the income of the petitioner and the rival contentions of the parties, both the Courts have found it fit that respondent is entitled for a monthly maintenance of Rs. 2500/-. Considering the income of the petitioner, the amount of maintenance is a minimal amount.

5. I do not find any illegality or perversity in the reasons recorded by both Courts. It is not a fit case to exercise powers under Article 227 of the Constitution of India or Section 482 of Cr.P.C.
6. The petition is devoid of any merits. Petition is dismissed.

[GAURI GODSE, J.]