

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI. WRIT PETITION NO. 614 OF 2023

Gokul Anandrao Pingale

..... Petitioner

VERSUS

State Of Maharashtra & Anr.

..... Respondents

Mr.Aniket Nikam i/b. Mr.Amit Icham for the Petitioner.

Mr.Raghavendra S. Mehrotra (Legal Aid Counsel) a/w.
Ms.Samruddhi Gholap for the Respondent No.2.

Mr. S.S.Pednekar, A.P.P. for the State.

CORAM: RAJESH S. PATIL, J.

DATE : 7 MARCH, 2024

P.C. :-

The present criminal writ petition is filed challenging issuance of the summons, under a petition filed before the Family Court, Nashik, under section 125 of the Cr.P.C.

2. Mr. Nikam submits that the present respondent no.2, claims to be the daughter of the petitioner, who is about 17 years old. He submits that there is no relationship between the petitioner

and the respondent no.2. He submits that the petitioner is innocent and falsely implicated in this case.

3. Mr. Raghavendra S. Mehrotra, learned counsel submits that he has instructions to appear for the original respondent no.2 as an appointed advocate through the Legal Aid. He submits that the present respondent no.2 is the daughter of the original respondent no.2 and the petitioner. He submits that as the said fact is disputed by the petitioner, she has preferred an application for conduct of 'DNA Test' before the D. V. Court and he further submits that as the petitioner has avoided to appear before the D.V.Court. He submits that whatever will be the outcome of the DNA Test will have the bearing of the entire proceedings.

4. Before the Family Court, petition under section 125 of the Cr.PC. is filed against the petitioner herein. The petitioner is not appearing before the Family Court, and has doubted his relationship with the respondent no.2. Before the Family Court, the respondent no.2 has already preferred an application for DNA

Test. The petitioner is not ready to appear before the Family Court. I am not impressed with the submissions of Mr.Nikam.

5. No case is made out by the petitioner. Writ petition is dismissed.

[RAJESH S. PATIL, J.]