

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.302 OF 2023

Sunil Shewaramani

.Applicant

Versus

Anisha Shewaramani & Anr.

.Respondents

Mr. Aabad Ponda, Senior Advocate a/w. Mr. Sumit Krishna Kumar Tiwari, for the Applicant.

Mr. Advait U. Shukla, Advocate, for Respondent No.1.

Ms. Savita Yadav, APP, for Respondent No. 2 – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 02.04.2024

P. C.

1. This Court by Order dated 21.02.2024 had appointed Chief Justice Shri. Akil A. Kureshi (Retd.), Rajasthan High Court as Mediator and also passed certain orders without prejudice to the rights and contentions of both parties, enhancing maintenance from Rs.75,000/- per month to Rs.1,00,000/- per month.

2. Today, Mr. Shukla, learned Counsel for Respondent No.1 stated that Respondent No.1 is not ready and willing to participate in the mediation process. On instructions, he further stated that Respondent No.1 would be withdrawing Petition No.A-197 of 2022 pending before the learned Family Court, Bandra, Mumbai on the next date i.e. 16.04.2024.

3. Mr. Ponda, learned Senior Counsel for the Applicant stated that in the Order dated 21.02.2024, Rs.75,000/- per month is incorrectly mentioned as maintenance amount instead of rental. Mr. Ponda, learned Senior Counsel for the Applicant further states that without

prejudice to the rights and contentions of the Applicant, a cheque of the deficit amount of Rs.25,000/- was sent to the Respondent No.1. However, the same was returned.

4. In any case, Respondent No.1 is not ready to participate in the mediation. Therefore, the Order dated 21.02.2024 passed by this Court is hereby recalled.

5. As Respondent No.1 has also made a statement that she is withdrawing the Petition No.A-197 of 2022 pending before the learned Family Court, Bandra, Mumbai, therefore, the present Criminal Application seeking transfer of CC/DV/277/2022 from the Court of learned 10th Metropolitan Magistrate's Court, Andheri, Mumbai to the learned Family Court, Bandra, Mumbai and to be heard alongwith the pending Petition No.A-197 of 2022 in Family Court, Bandra, Mumbai will not survive if the said Petition is withdrawn.

6. Accordingly, the present Criminal Application is disposed of by granting liberty to the Applicant to file a fresh Criminal Application/appropriate proceedings, as and when necessary. It is clarified that all the contentions of the parties are expressly kept open.

7. It is clarified that the aforesaid Order dated 21.02.2024 is entirely re-called and set aside.

8. The Criminal Application No.302 of 2023 stands disposed of with liberty as aforesaid.

[MADHAV J. JAMDAR, J.]