

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

CRIMINAL WRIT PETITION NO.4379 OF 2024

Mahesh Vishnu Lahamage

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Vikas B. Shivarkar for the Petitioner.

Mr. A. R. Metkari, APP for the Respondent-State.

CORAM : ARIF S. DOCTOR, J.

DATE : 12TH NOVEMBER 2024

P.C. :

1. The Petition seeks quashing and setting aside of the order dated 10th October 2013 and 7th November 2013 passed by the JMFC-I, Nashik in Criminal Miscellaneous Application No.980 of 2013 filed by Respondent No.2 against the Petitioner seeking maintenance under Section 125 of the Code of Criminal Procedure, 1973.

2. The primary grievance of the Petitioner is that the Petitioner was unable to place the material before the JMFC-I, Nashik to support the contention that Respondent No.2 was already wedded to somebody else and

Respondent No.3 is the natural born daughter from that wedlock. It is primarily on this ground that the orders passed by the JMFC-I, Nashik are assailed.

3. Learned Counsel appearing on behalf of the Petitioner submits that these facts were not placed before the JMFC-I, Nashik at that time. Thus he seeks liberty to move before the JMFC-I, Nashik to put the said facts on record.

4. Issue notice to the Respondents, returnable on 19th November 2024. Hamdast is permitted.

5. At this stage, Learned Counsel for the Petitioner seeks leave to delete prayer clause (c) of the Writ Petition. He is permitted to do so.

(ARIF S. DOCTOR, J.)