



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL WRIT PETITION NO. 822/2023**

(Hiradevi wd/o Jyotish Sharma Vs. State of Maharashtra & ors.)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders  
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Mrs. Sonali Saware/Gadhawe, Advocate (appointed) for Petitioner.  
Mr. K. Lulay, APP for respondent Nos. 1 to 4.

**CORAM: VINAY JOSHI AND**  
**MRS. VRUSHALI V. JOSHI, JJ.**

**DATED : 19/03/2024.**

Heard.

2. The petitioner mother has applied under Section 25 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ('Act of 2007') seeking relief against her son and daughter on account of non-maintenance of senior citizens. Maintenance Tribunal constituted under Section 7 of the Act of 2007 i.e. Sub Divisional Officer has decided the application, whereby directed the respondents to maintain the petition. The said order was impugned by the respondents, however it is informed that appeal is came to be dismissed. Since there is persistent breach of order, the petitioner has come up before us seeking direction to the Police to register crime in terms of Section 25 of the Act of 2007.

3. It reveals that the Police have registered non-cognizable offence. Section 25 of the Act of 2007 gives an overriding effect to the general provisions of the Code of Criminal Procedure stating that every offence under this

Act shall be of cognizable nature. Since the respondent has not allowed the petitioner to reside and consequently abandoning the senior citizens, the offence under Section 24 of the Act of 2007 is said to be committed.

4. In view of above, the petitioner shall file fresh application to the concerned Police along with the copies of order of the competent authority which shall take appropriate action in terms of Section 25 of the Act of 2007 within four weeks from the date of filing of said application.

5. Petition stands disposed of in above terms.

6. Fees be paid to the appointed counsel for the petitioner as per Rules.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)