



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.608 OF 2024

Atul Narhari Khode -Vs-Aparna Atul Khode

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. O.K.Masurke, counsel for the petitioner.

**CORAM VINAY JOSHI &
MRS. VRUSHALI V. JOSHI, JJ.
DATE : 5th SEPTEMBER, 2024.**

1. Heard.
2. The petitioner is seeking the relief of directing the trial Court namely, Family Court to decide an application filed by the petitioner in terms of Section 340 of the Code of Criminal Procedure. Initially, the respondent-wife has filed maintenance proceedings, in which the applicant/husband has filed an application under Section 340 of the Code claiming that the respondent has raised a malafide plea. During the pendency of the said application, again the petitioner has filed another application dated 08.04.2024 (Exhibit 29) requesting Family Court to decide the said application filed under Section 340 of the Code in precedence to the maintenance application. The Family Court has disposed of early hearing application by expressing that the proceedings under Section 340 is to be decided separately. Hence, the urge has been rejected.

3. The decision as regards to the maintenance proceedings is an independent issue than the action contemplated in terms of Section 340 of the Code. Each adjudication has different sphere of working which cannot be interlinked with each other. We see no irregularity committed by the trial court by expressing that the application will decided separately. Hence we see no merit in the writ petition, it is rejected accordingly.

JUDGE

JUDGE