



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 CRIMINAL APPLICATION NO. 1897 OF 2025

MADHUKAR BABURAO NALAGE

....Applicant

VERSUS

SUSHILA MADHUKAR NALAGE

.....Respondent

Mr. S. B. Solanke, Advocate for the applicant

CORAM : ABHAY J. MANTRI, J.

DATE : 30th SEPTEMBER, 2025

PER COURT :

1. The applicant-husband has preferred this revision challenging the judgment and order dated 27-06-2016 passed by the learned JMFC, Chakur in Criminal Misc. Application No. 12/2012, whereby the application was partly allowed and granted maintenance of Rs. 3000/- per month to the respondent from the date of application, and Rs. 50,000/- towards compensation.
2. Heard the learned advocate for the applicant and perused the judgment and record.
3. At the outset, it appears that the respondent, being the wife, has filed an application under Sections 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act [Hereinafter referred to as the '*D.V Act*'] for the grant of reliefs

claimed therein. The learned Judge, after considering the evidence on record, held that the respondent-wife has proved that she has suffered from domestic violence at the hands of the applicant (herein). Therefore, the respondent is entitled to maintenance and granted maintenance of Rs . 3000/- per month.

4. Being aggrieved by the same, the applicant has preferred the appeal before the learned Additional Sessions Judge, Latur. The learned Additional Sessions Judge, Latur, by order dated 05-04-2019, confirmed the order dated 27-06-2016 passed by the learned Magistrate and dismissed the appeal.

5. Being aggrieved by the same, the applicant has preferred this criminal revision application.

6. The learned advocate for the applicant vehemently argued that the applicant has no relation to the respondent. The applicant categorically denied that the respondent is his wife or that he cohabited with her at any time. However, the learned trial court and the learned appellate court have not considered the facts and evidence on record and erred in relying on the compromise between the applicant and respondent in another matter. Therefore, he urged that passing the impugned judgments and orders is illegal and perverse and thus, liable to be quashed and set aside.

7. On perusal of the evidence on record and the impugned

judgments and orders, it appears that though the applicant has denied his relationship with the respondent, PW-2 Nilkanth Mutthe, who was in relation with the respondent in his testimony, categorically deposed that on 12-02-2011, the applicant and respondent entered into a compromise deed, which he witnessed. He proved the said compromise deed (Exh.43). The learned Magistrate have gone through the said compromise deed observed that in the compromise, it was contended that the applicant and respondent performed marriage on 12-02-2001 and wherein the applicant has admitted that respondent is his wife and therefore, considering the said evidence and compromise deed, the learned Magistrate has held that the respondent has proved that she is wife of the applicant and thus, she is entitled to maintenance.

8. The learned Additional Sessions Judge, Latur, also considered the said facts and in para Nos. 13 to 16 has dealt with the same and held that respondent has adduced the evidence regarding attempt of cohabitation and therefore, she is entitled to the maintenance under the provision of the D. V. Act and dismissed the appeal and confirmed the order passed by the learned Magistrate.

9. However, the learned advocate for the applicant failed to point out that both orders are manifestly perverse or illegal. There is nothing perceptible that shows that orders are a sanctuary of errors.

In fact, the orders passed by the learned Trial court and the Appellate court are based on the proper appreciation of the evidence.

10. It is pertinent to note that it is the obligation of the husband to maintain his wife. He cannot be permitted to plead that he is unable to maintain her due to financial constraint as long as he is capable of earning. Furthermore, the applicant failed to point out that he does not have sufficient means of income to maintain the respondent. Besides, the judicial note can be taken that there are rises in the prices of essential commodities and therefore, the maintenance amount granted to the respondent appears to be too meagre to satisfy her daily needs.

11. It is worth noting that the provisions under the D. V. Act are social welfare legislation, which must be subjected to an extensive beneficial concern, and this understanding has been extended to maintenance. Similarly, the reliefs under other provisions of the said Act are not a benefit received by the wife but rather a legal and moral duty owed by the husband to maintain his wife and children.

12. The upshot of the above discussion is that the applicant failed to maintain the respondent. He has sufficient means of income to maintain her. As such, the order passed by the learned Magistrate, as well as confirmed by the learned appellate court, is just and

proper. Hence, I do not find any substance in the contention of the learned advocate for the applicant in that regard to interfere in the revisional jurisdiction. As a result, the criminal application being devoid of merits stands dismissed. No order as to costs.

[ABHAY J. MANTRI, J.]

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