



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

CRIMINAL WRIT PETITION NO. 1331 OF 2023

CHAITANYA GANGADHAR JOSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner: Ms. Meena S. Deshmukh holding for
Mr. Arvind S. Deshmukh
APP for Respondent No.1: Smt. Chaitali Chaudhary-Kutti
Advocate for Respondents No.2 and 3: Mr. Manish P. Tripathi
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CORAM : KISHORE C. SANT, J.

DATE : 18-06-2025

PER COURT:-

1. Heard.
2. Present petition is filed challenging the order passed by the learned Judicial Magistrate First Class, Selu, District Parbhani, below Exhibit-6 in Criminal Application No.105 of 2022, dated 27.07.2023.
3. By way of the impugned order, the learned trial Judge is pleased to order the petitioner/husband to pay an amount of Rs.5,000/- per month to applicant No.1/wife and Rs.2,000/- per month to applicant No.2/daughter, pending the main application.
4. Learned counsel for the petitioner has vehemently argued that the order is unreasonable and an exorbitant amount has been ordered to be paid. The wife is not entitled to receive any amount of maintenance. The husband has no objection to pay the amount of maintenance to the child. The wife is educated one. She has

not come to the court with clean hands. On one hand, she shown readiness to compromise the matter. However, on the other hand, she raised the quarrel. She prays for allowing the writ petition and quashing the order of maintenance to the extent of wife.

5. Learned counsel for respondents No.2 and 3 vehemently opposed the petition and submits that the petitioner has not shown his *bona fides*. There are arrears of the amount of Rs.1,80,000/- as on today. The learned trial Court has rightly passed the order, considering that the petitioner is earning Rs.50,000/- that is clearly recorded. He prays for rejection.

6. Having heard both the parties, this Court finds that the petition is only against the *interim* order directing to pay the maintenance. At this stage, no finding can be recorded about entitlement of the wife. The amount of maintenance is opposed and said to be an exorbitant on the ground that there are four family members depending on the petitioner. However, it cannot be a ground to refuse maintenance to a wife. The petition is pending since 2023. In the circumstances, the petition is disposed of by directing the trial Court to decide Criminal Miscellaneous Application No.105 of 2022 as expeditiously as possible and within six months from today.

7. Criminal Writ Petition, thus, disposed of in above terms.

[KISHORE C. SANT, J.]

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