



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

926 CRIMINAL REVISION APPLICATION NO. 157 OF 2019

**MUMTAZ AHMED ZAHEERUDDIN FAROOQUI
VERSUS
NAJMUNNISA MUMTAZ AHMED FAROOQUI AND ANR**

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**CORAM : Y.G. KHOBRAGADE, J.
DATE : 12.06.2025**

PC.:-

1. None present either for the applicant or the non-applicants. Since, the applicant invoked jurisdiction of this Court under Section 397 of the Cr.P.C., and challenged the order dated 19.06.2017 passed by the learned Additional Sessions Judge in Criminal Appeal No.10/2013, therefore, this Court perused the record.

2. The present revisional application under Section 397 of the Cr.P.C. is directed against the order dated 19.06.2017 passed by the learned Additional Sessions Judge in Criminal Appeal No.10/2013, whereby the judgment and order dated 07.12.2012 passed by the JMFC (12th Court), Aurangabad in Misc. Cri. Application No.255/2012 was quashed and set aside and directed the applicant/ori. non-applicant to pay Rs.5,000/- towards maintenance inclusive of medical expenses of Rs.1500/-.

3. The present applicant is the original non-applicant no.1 and the present non-applicant is the original applicant. For the sake of brevity, I would like to refer the parties to the present revision in their original capacity.

4. The applicant has filed a proceeding bearing Misc. Cri. Application No.255/2012 before the JMFC, Aurangabad alleging that, on 27.08.2008 her marriage was solemnized with the non-applicant as per the Muslim customs and rites. After marriage she co-habited with her husband non-applicant. In the marriage, her parents incurred huge expenses and also gifted domestic articles amounting to Rs.2,50,000/-. Initially for some time she was treated well but later on she was subjected to domestic violence defined under Section 3 of the Domestic Violence Act, due to non-fulfillment of demand of dowry she was driven out of her matrimonial house and her husband failed to maintain her. Her husband is earning sufficient income of Rs. Fifteen Lakhs per annum from agricultural crops and also getting pension of Rs.13,000/- to 20,000/-, hence, she prayed for maintenance and other monetary reliefs under the provisions of the D.V. Act.

5. On 07.12.2012, the learned JMFC passed the judgment and order, and rejected the claim of the applicant holding that the applicant failed to prove domestic violence at the hands of the non-applicant-husband.

6. Being aggrieved by the said judgment and order, the applicant filed appeal no.10/2013 under Section 29 of the Protection of Women from Domestic Violence Act, 2005. On 19.06.2017, the learned Appellate Court has passed the impugned order holding that, the applicant had filed an application under Section 125 of the Cr.P.C. and the non-applicant is paying Rs.1500/- to the applicant towards maintenance as per the settlement between them before the Family Court. The matrimonial relations between the applicant and the non-applicant still subsist. As per the evidence of both the parties, the applicant is residing at her father's house as the matrimonial relations between the applicant and non-applicant have become strained. The learned Appellate Court further held that, the non-applicant no.1 himself admitted that, he is a Class-I retired sales tax officer but he failed to step into witness box to prove his income and liabilities. Therefore, considering the evidence available on record, the learned Appellate Court directed him to pay amount of Rs.5,000/- towards maintenance and medical expenses inclusive of amount of Rs.1500/- to the applicant under the settlement from the date of the application with compensation, which does not appear perverse, illegal, bad in law. Therefore, I do not find substantial grounds to interfere with the impugned order. Hence, the revision is dismissed. Parties to bear their own costs.

[Y.G. KHOBRADE, J.]