



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1542 OF 2024

BHAGWAT HIMMATRAO GAVHANE

VERSUS

SANIKA DO BHAGWAT GAVHANE MINOR U/G SHARDA BHAGWAT
GAVHANE AND ANOTHER

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Advocate for Applicant : Mr. Gopal C. Navandar
APP for Respondents-State : Mr. S. N. Morampalle
Advocate for Respondent No. 1 : Mr. Balaji S. Chondhekar

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CORAM : SACHIN S. DESHMUKH, J.

Date : 27th November, 2025

ORDER :-

1. The applicant has presented the application seeking quashing and setting aside the case bearing P.W.D.V. Darkhast No. 05 of 2020 pending before the learned Judicial Magistrate First Class, Sengaon.

2. Initially, the respondent / wife alongwith minor daughter presented the Criminal Misc. Application No. 137 of 2011 under Section 12 with reliefs claimed under Sections 18, 19, 20, 21 and 22 of the Protection of Women From Domestic Violence Act, 2012 (herein "Domestic Violence Act" for short). Vide judgment and order dated 03.08.2015, the learned Magistrate partly allowed the application and granted maintenance with other reliefs.

3. Consequently, the respondent / wife alongwith minor daughter presented the P.W.D.V. Darkhast No. 05 of 2020 for the recovery of arrears of maintenance for Rs. 3,22,000/-. Thereafter, on 04.05.2022, the learned Magistrate disposed of the proceeding for want of prosecution, since the applicant / wife has not taken positive steps.

4. Heard learned counsel for litigating sides. Perused the record.

5. On going through the documents placed before this Court by the litigating sides alongwith additional affidavit, it is evident that the learned Magistrate disposed of the proceedings on 04.05.2022 for want of prosecution. The record indicates that following the initial maintenance order, the parties cohabited for a substantial period before eventually parting ways. The present execution proceedings were initiated only after this period of reconciliation. These intervening events are material to the case and ought to have been adjudicated upon prior to the issuance of the present order.

6. Consequently, as these facts were not adequately considered, the matter needs to be remanded to the concerned Court for fresh consideration on merits. Hence, the order dated 04.05.2022 rendered by the learned Magistrate needs to be quashed and set aside.

7. The proceeding i.e. P.W.D.V. Darkhast No. 05 of 2022 is hereby restored to its original status before the concerned Court.

8. In view of the above, the learned Magistrate shall reconsider the issue in its entirety and decide the same by the end of February 2026.

9. The parties are directed to remain present before the concerned Court on 27.01.2026. Parties are at liberty to place on record the relevant documents, if any, before the concerned Court.

10. With the above directions, this application stands **disposed of.**

(SACHIN S. DESHMUKH, J.)

Omkar Joshi