

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3767 OF 2024

Pritatai Shailesh Kurane

.... Petitioner

Versus

Shailesh Haribhau Kurane and Ors.

.... Respondents

Mr. Samir Vidya a/w Mr. Rahul Patil i/b Mr. Vinod Satpute, Advocate for the Petitioner.

Mr. Shekhar Jagtap, Advocate for Respondent No.1.

Mr. S. S. Chaudhari, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th OCTOBER, 2025.

P.C. :

1. The challenge in this Writ Petition is the impugned order dated 9th January, 2024 passed by the learned Additional Sessions Judge, Kolhapur in Regular Criminal Appeal No. 59 of 2023 and order dated 13th March, 2023.

2. It is contention of learned counsel for the Petitioner that the Petitioner had filed DV proceedings against the Respondent No.1. In the said Proceedings, the learned JMFC had granted interim maintenance of Rs.8,000/- to the Petitioner, Rs.2,000/- for rental

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accommodation, and Rs.2,00,000/- for mental agony compensation. The said order was challenged by the Respondent No.1 before the learned Sessions Judge. The learned Sessions Judge has allowed the appeal filed by the Respondent No.1 and has quashed and set aside the impugned order and dismissed the DV proceedings including the impugned order. Learned counsel further submitted that the learned Sessions Judge should not have dismissed the DV proceedings, he should have passed the order on interim maintenance application. The order passed by the learned Sessions Judge is erroneous, and requested to allow the Writ Petition.

3. It is contention of learned counsel for Respondent No.1 that the learned Sessions Judge has passed a well-reasoned order, no interference is required in it, and requested to dismiss the appeal.

4. Learned APP submits that appropriate order be passed.

5. I have heard all learned counsel, perused the impugned order passed by the learned Sessions Judge.

6. Admittedly, the order of learned JMFC in respect of interim maintenance order and compensation amount were challenged before the learned Sessions Judge. The learned Sessions Judge, while passing the order has dismissed DV proceedings along with interim

maintenance. The order passed by the learned Sessions Judge is perverse. The learned Sessions Judge should not have dismissed the DV proceedings as he has no jurisdiction to dismiss the DV proceeding at initial stage. Considering these facts, I pass following order:

ORDER

- i. The writ petition is allowed.
 - ii. The impugned order dated 9th January, 2024 passed by the learned Sessions Judge, Kolhapur is quashed and set aside.
 - iii. The matter is remanded back to the learned Sessions Judge, Kolhapur for fresh hearing on order of interim maintenance and compensation.
 - iv. The learned Sessions Judge is requested to decide the said application preferably within three months.
7. In the aforesaid terms, the writ petition is allowed and accordingly disposed off.

(SHIVKUMAR DIGE, J.)