

Vaibhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.645 OF 2024

Jitendra Uttam Jadhav

...Applicant

Versus

Sonali Jitendra Jadhav & Ors.

...Respondents

Mr. Laxman Kisan Kalel, for Applicant.

Mr. K.C. Shinde, APP for State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 7 JANUARY 2025

P.C.:

1. Heard Mr. Laxman Kalel, learned Counsel appearing for the Petitioner.

2. The challenge in this Criminal Revision Application filed under Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS) is to the Order dated 18th October 2024 passed by the learned Additional Sessions Judge, Vita, in PWDVA Appeal No. 32 of 2024 as well as to the Order dated 22nd April 2024 passed by the learned JMFC, Vita, below Exhibit-237 in Criminal Misc. Application No.53 of 2013. The said Criminal Misc. Application No. 53 of 2013 has been filed under Sections 12, 18, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 [DV Act].

3. By the impugned Order dated 22nd April 2024, the learned JMFC,

has granted maintenance of Rs. 3,000/- per month to the Respondent No.1 and Rs.2000/- per month to the Respondent No.2. The said Order has been challenged by the present Applicant by filing PWDVA Appeal No.32 of 2024 and the said Appeal has been dismissed by the impugned Order dated 18th October 2024.

4. It is the main contention of Mr. Kalel, learned Counsel appearing for the Applicant that there is no marriage between the Applicant and the Respondent No.1. Therefore, it is his contention that the provisions of the D.V. Act will not apply. However, Section 2(f) of the said Act defines “domestic relationship” as under:

2(f) “domestic relationship” means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;

(Emphasis added)

5. In the present case admittedly it is the contention of the Respondent No.1 in the Application filed under the provisions of the D.V. Act, that the Applicant and the Respondent No.1 were staying together, there is marriage between the Applicant and the Respondent No.1. and that there is a child born who is Respondent No.2

6. Thus, even assuming that there is no marriage or no valid marriage between the Applicant and the Respondent No.1 then also their relationship is covered as “domestic relationship” as per Section

2(f) of D.V. Act. Both the Courts have concurrently held that the relationship between the Applicant and the Respondent No.1 is domestic relationship as per the provisions of the D.V. Act. The maintenance granted is reasonable.

7. Therefore, no case is made out for interference. Accordingly, the Revision Application is dismissed, however with no order as to costs.

[MADHAV J. JAMDAR, J.]