

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3766 OF 2024

Leena Anand Nikam

...Petitioner

Versus

Anand Ramesh Nikam & Anr.

...Respondents

Mr. Sugandh Deshmukh a/w Aniket Kanawade, Vaibhav Thorave, Irvin D'souza, Bhushan Deshmukh, Aryan Deshmukh & Karishma Shinde, for the Petitioner.

Ms. Neelam W. Bakshi, for Respondent No.1.

Mr. S. S. Ghag, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 08 AUGUST 2025

P.C.:

1. Heard Mr. Sugandh Deshmukh, learned Counsel for the Petitioner, Ms. Neelam Bakshi, learned Counsel for Respondent No.1 and learned APP for the Respondent-State.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Order dated 15th June 2023 passed by the learned Additional Sessions Judge-6, Nashik in Criminal Appeal (PWDV) No.24 of 2023 and also the Order dated 9th January 2023 passed by the learned 8th Additional Chief Judicial Magistrate, Nashik below Exhibit-5 in PWDVA No.591 of 2021. The said Exhibit-5 application has been filed seeking maintenance. The learned Trial Court has dismissed the application, and the said Order has been confirmed by the learned Appellate Court.

3. The factual position on record shows that the Petitioner was previously in a relationship with one Sudhir, and a son is also born out of the said relationship. However, the said relationship did not continue. The marriage between the Petitioner and Respondent No.1 took place on 1st February 2020. It is an admitted position that the first wife of Respondent No.1 passed away and thereafter the second marriage was performed. Immediately after the marriage, disputes arose between the Petitioner and Respondent No.1-Husband and the Respondent No.2 - mother-in-law. It is the case of the Petitioner that since 15th March 2020 she started living separately. Thus, both Petitioner and the Respondent No.1 stayed together only for 45 days.

4. Both the Petitioner and Respondent filed Petition F No.172 of 2021 seeking divorce by mutual consent, and almost all the terms and conditions which Respondent No.1 was required to perform were complied with, however, thereafter, the Petitioner withdrew her consent. It is the case of the Respondent No.1 that the Petitioner had fixed the marriage with another person, but the said person refused to marry her and therefore the Petitioner withdrew her consent.

5. Apart from the above aspects, the factual position on record shows that the Petitioner was earlier working as the Principal at Space International School, Nashik and was receiving a salary of Rs.55,000/- per month. It is the submission of Mr. Sugandh Deshmukh, learned

Counsel for the Petitioner that the Petitioner was only paid Rs.10,000/- per month as salary as Principal in Space International School. In any case, the Petitioner has not even produced the salary slip. It is the case of the Petitioner that she resigned from the said service. Both the Courts have disbelieved the said contention by giving cogent reasons.

6. Thus, in the facts and circumstances, no case is made out for interference in the impugned Order.

7. Accordingly, Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]