

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3320 OF 2024

Varsha Vikas Darekar	...Petitioner
<i>Versus</i>	
Vikas Baban Darekar & Anr.	...Respondents

Mr. Siddheshwar Biradar a/w D.R. Shinde, Omhari Fawade,
Advocate for Petitioner.
Mr. Sarwadnya S. Kadtane i/by Mr. Akash K. Kotecha, Advocate for
the Respondent No.1.
Mr. S.S. Ghag, APP for State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 5th March 2025

P.C.:

1. Heard Mr. Siddheshwar Biradar, learned Counsel for the
Petitioner, Mr. Sarwadnya Kadtane, learned Counsel for the
Respondent No.1 and Mr. Ghag, learned APP for the State.

2. By the present Writ Petition filed under Article 227 of the
Constitution of India, challenge is to the legality and validity of
Order dated 15th June 2024 passed by the learned Additional
Sessions Judge, Pune in Criminal Appeal No. 245 of 2024. By the
impugned Order, the learned Additional Sessions Judge set aside
Order dated 21st June 2022 passed below Exhibit 5 in Criminal

M.A. No.826 of 2020 by the learned J.M.F.C., Court No.1, Pune. By the said Order, learned J.M.F.C. has granted maintenance of Rs.2,500/- per month to the present Petitioner and Rs.2,500/- per month towards interim rent amount. As noted earlier, the said Order has been challenged by way of Appeal before the learned Appellate Court and the learned Additional Sessions Judge has set aside the said Order.

3. One of the point involved in this Writ Petition is that no maintenance has been granted to the daughter, although, admittedly the daughter is of the Petitioner and the Respondent No.1. Apart from that, perusal of the record shows that both the Courts have not taken into consideration many contentions raised by the Petitioner as well as by Respondent No.1.

4. In view of the said position, Mr. Biradar, learned counsel for the Petitioner and Mr. Kadtane, learned Counsel for the Respondent No.1 have taken instructions from the Petitioner and Respondent No.1 respectively and submitted that both the impugned Orders be quashed and set aside and the said Exhibit '5' application be remanded back to the Court of learned JMFC, Pune.

5. It is further made clear that the amount of Rs.2,500/- per month, which has been directed to be paid by the Order dated 21st June 2022 and Rs.2,500/- per month towards interim rent shall be continued to be paid. However, Mr. Kadtane, learned Counsel for the Respondent No.1 states that the said payment will be for the purpose of maintenance of the daughter.

6. Accordingly, following Order is passed by consent of the parties :

ORDER

i) Order dated 21st June 2022 passed by learned JMFC, Court No.1, Pune below Exhibit 5 in Criminal M.A. No. 826 of 2020 as well as the Judgment and Order dated 15th June 2024 passed by the learned Additional Sessions Judge, Pune in Criminal Appeal No.245 of 2022 are quashed and set aside and said Application bearing Exhibit 5 in Criminal M.A. No. 826 of 2020 is restored to the file of the learned J.M.F.C., Pune.

ii) Both the parties are at liberty to file further additional affidavits.

iii) Learned JMFC, Court No.1, Pune is requested to dispose of said Exhibit 5 Application in Criminal M.A. No. 826 of 2020 on or before 31st August 2025.

iv) The Respondent No.1 shall continue to pay Rs.2,500/- per month as maintenance and Rs.2,500/- per month towards interim rent amount to the Petitioner. It is clarified that the said amount is for the maintenance of daughter-Bhakti. It is further clarified that the payment of the said amount by the Respondent No.1 is without prejudice to the rights and contentions of both the parties.

v) It is specifically clarified that this Court has not expressed any opinion on merits and all contentions of both the parties on merits are expressly kept open.

7. Accordingly, the Writ Petition is disposed of in above terms, however, with no order as to costs.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
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