

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4363 OF 2025

Shruti Swapnil Aher alias Shruti Sham Kandekar ...Petitioner
Versus
Swapnil Sampatrao Aher & Anr. ...Respondents

Mr. Balasaheb Deshmukh, for the Petitioner.
Ms. Poonam P. Bhosale, APP, for the Respondent No.2-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th AUGUST 2025

PC:-

1. Heard Mr. Balasaheb Deshmukh, learned Counsel appearing for the Petitioner and Ms. Poonam Bhosale, learned APP appearing for the Respondent No.2-State.
2. In view of the nature of the relief which is sought in the present Writ Petition, it is not necessary to issue notice to the Respondent No.1, who is the contesting Respondent.
3. The Petitioner is seeking relief that Criminal Miscellaneous Application No.3674 of 2022 pending before the learned Judicial Magistrate First Class(“**JMFC**”), Pune be directed to be disposed of

within a period of four weeks. However, in view of the law laid down by the Supreme Court in the case of *High Court Bar Association, Allahabad v. State of Uttar Pradesh*¹ in the ordinary course Constitutional Courts should refrain from issuing such directions. However, said Criminal Miscellaneous Application has been filed for recovery of arrears of the maintenance as directed to be paid by the order dated 10th November 2021 passed in Criminal Miscellaneous Application No.5339 of 2019.

4. Thus, in the facts and circumstances the concerned learned JMFC, Pune is requested to decide said Criminal Miscellaneous Application No.3674 of 2022 expeditiously and preferably within a period of six months from today.

5. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

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

[MADHAV J. JAMDAR, J.]

Digitally
signed by
SONALI
MILIND
PATIL
Date:
2025.08.13
10:00:26
+0530

1 (2024) 6 SCC 267