

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

WRIT PETITION NO. 5686 OF 2025

Parveen Juzar Burawala

...Petitioner

Versus

Juzar Asgar Burawala & Anr.

...Respondent

Ms. Rekha Musale, for the Petitioner

Mr. Mihir Gheewala a/w Aditya Mehta i/b Santosh Pawar, for
Respondent Nos.1 and 2.

Ms. S. M. Yadav, APP, for the Respondent-State of Maharashtra.

CORAM: MADHAV J. JAMDAR, J.

DATED: 11 DECEMBER 2025

P.C.:

1. Heard, Ms. Musale, learned Counsel appearing for the Petitioner, Mr. Mihir Gheewala, learned Counsel appearing for the Respondent Nos. 1 and 2 and Ms. Yadav, learned APP for the Respondent No.3-State of Maharashtra.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the order dated 16th September, 2025 passed by learned Judicial Magistrate First Class, Belapur below Exhibit-66 in Criminal M.A.No. 65 of 2010.

3. At the outset, Mr. Gheewala, learned Counsel appearing for the Respondent Nos. 1 and 2 states that there is an alternate remedy of statutory appeal under Section 29 of the *Protection of Women from*

Domestic Violence Act, 2005 (“**DV Act**”). He therefore, submits that Writ Petition be not entertained.

4. In view of the said objections, raised by Mr. Mihir Gheewala, learned Counsel appearing for the Respondent Nos. 1 and 2, Ms. Musale, learned Counsel appearing for the Petitioner, on instructions, seeks to withdraw the Writ Petition with liberty to file Statutory Appeal under Section 29 of the DV Act.

5. Mr. Gheewala, learned Counsel appearing for the Respondent Nos. 1 and 2 submits that if the appeal is filed within three weeks, consent will be given for the delay condonation in filing the said Statutory Appeal.

6. It is required to be noted that the impugned order of the learned Judicial Magistrate First Class is dated 16th September, 2025 and this Writ Petition was filed on 8th October, 2025. Thus the Petitioner will get benefit of Section 14 of the Limitation Act, 1963.

7. As the said application bearing Exhibit-66 has been filed seeking monetary relief for undergoing medical surgery, the learned Sessions Judge, Belapur is requested to dispose of said Criminal Appeal or at least Application seeking interim relief in such Criminal Appeal on or before 28th February 2026.

8. It is clarified that this Court has not considered merits and contentions on merits of both the parties are expressly kept open,

9. The Learned Trial Court is requested to grant suitable adjournment, if application is filed in view of the medical condition of the Petitioner.

10. Accordingly, Writ Petition is disposed of as withdrawn with liberty to file Statutory Appeal under Section 29 of the DV Act.

[MADHAV J. JAMDAR, J.]