

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.6236 OF 2025

Vipul Mukesh Kothari Jain	...Petitioner
<i>Versus</i>	
Vimiksha Vipul Jain alias Vimiksha R. Chandalia & Anr.	...Respondents

Mr. Anish Karande a/w. Ms. Gayatri Gokhale, Mr. Amit Chavan, Mr. Satchit Gor, Mr. Aaryan Gaur i/b. Tatsat Gor, for the Petitioner.
Mr. D. S. Mhaispurkar a/w. Mr. H. S. Pawaskar i/b. J. B. Killen, for the Respondent No.1.
Mr. S. M. Mangonakar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 25th NOVEMBER 2025

PC:-

1. Heard Mr. Karande, learned Counsel appearing for the Petitioner and Mr. Mhaispurkar, learned Counsel appearing for the Respondent.

2. The challenge in this Writ Petition is to the order dated 16th October 2025 passed by the learned Judicial Magistrate First Class (“**JMFC**”), 3rd Court, Kalyan below Exhibit-7 in PWDVA No.145 of 2025 and to the order dated 7th November 2025 passed by the

learned Additional Sessions Judge-5, Kalyan below Exhibit-4 in DV Appeal No.47 of 2025.

3. After arguing the matter for some time, both the learned Counsel, on instructions of the Petitioner and the Respondent No.1, who are personally present in Court submit that by consent of the parties, the following order be passed.

4. Accordingly, by consent of both the parties, the following order is passed:

ORDER

(a) The order dated 16th October 2025 passed by the learned JMFC, 3rd Court, Kalyan below Exhibit-7 in PWDVA No.145 of 2025 and the order dated 7th November 2025 passed by the learned Additional Sessions Judge-5, Kalyan below Exhibit-4 (Stay Application) in DV Appeal No.47 of 2025 are quashed and set aside.

- (b) As the order dated 16th October 2025 of learned JMFC, 3rd Court, Kalyan below Exhibit-7 in PWDVA No.145 of 2025 is quashed and set aside, the Appeal bearing DV Appeal No.47 of 2025 pending in the Court of learned Additional Sessions Judge, Kalyan renders infructuous.
- (c) The Petitioner who is the Appellant in said DV Appeal No.47 of 2025 undertakes to move the Appellate Court for withdrawal/disposal of the said Appeal as infructuous.
- (d) The said Exhibit-7 application filed in PWDVA No.145 of 2025 is restored to the file of learned JMFC, 3rd Court, Kalyan.
- (e) Learned JMFC is requested to decide the said Exhibit-7 application filed in PWDVA No.145 of 2025 afresh after hearing both the parties.

- (f) As the application bearing Exhibit-7 filed in PWDVA No.145 of 2025 is concerning custody of minor girl child aged 5 years, learned JMFC is requested to dispose of the said Exhibit-7 application filed in PWDVA No.145 of 2025 on or before 31st March 2026.
- (g) Till the disposal of the said Exhibit-7 application filed in PWDVA No.145 of 2025, the Petitioner shall give access of minor daughter at Oberoi Mall, Goregaon between 11:00 a.m. to 05:00 p.m. on every Saturday and Sunday. For giving access of minor daughter on those days, the Petitioner/Father-Vipul Mukesh Jain or Grandmother-Indu Mukesh Jain shall bring the child in the said Mall on every Saturday and Sunday at 11:00 a.m. and handover the child to mother-Vimiksha Vipul Jain i.e. Respondent No.1 and the mother shall handover the child either to the Petitioner/Father-Vipul Mukesh Jain or Grandmother – Indu Mukesh Jain at 05:00 p.m. on those days. The Petitioner, Respondent No.1 and Grandmother-Indu

Mukesh Jain make statement to comply with this arrangements.

(h) The statements to above effects made by the Petitioner, the Respondent No.1 and the Grandmother, who are personally present in Court, are accepted as undertakings given to this Court.

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

6. It is clarified that all contentions of both the parties are expressly kept open.

[MADHAV J. JAMDAR, J.]

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