



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.321/2024

Dipika Pankaj Bhagat .Vs. State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D. V. Mahajan, Advocate for petitioner.
Mr. A. Badar, A.P.P. for respondent Nos.1 to 3.
Mr. A. R. Wagh, Advocate for respondent No.4.

CORAM : ANIL L. PANSARE AND Y. G. KHOBRADE, JJ.
DATE : OCTOBER 8, 2025

On 23.09.2025, following order was passed.

"Petitioner – wife has filed the petition for issuing writ of habeas corpus on the ground that her husband – respondent No.4 has illegally detained the child, aged 9 years.

2. The parties were directed to appear before the Court. We have interacted with them. Petitioner – wife fairly submits that she has no objection if custody of the child is kept with respondent no.4. She, however, made a request for visiting rights, to which respondent No.4 states that he is willing to give access to the petitioner as per her convenience. The petitioner submits that she will meet the child twice a month, to which respondent No.4 agreed. Since, respondent No.4 has acceded to the request, for the time being, no order is passed.

3. Learned counsel for the petitioner, however, has invited our attention to order dated 08.12.2023, passed by Family Court, Nagpur in Petition E-39/2021, directing respondent No.4 to pay interim maintenance at the rate of Rs.6,000/- per month to the petitioner and Rs.4,000/- per month to the child from the date of presentation of petition i.e. from 18.01.2021. Custody of the child was taken by respondent No.4 on 05.03.2024. Accordingly, the petitioner submits that the amount as directed to be paid to the petitioner by the Court, be at least paid by respondent No.4 to her.

4. When inquired as to why the amount was not paid, respondent No.4, who is present in the Court, instead of answering the query, put up a question as to

how would he pay the amount saying that he has no means to do so.

5. At this stage, counsel for petitioner submits that respondent No.4 is avoiding to pay maintenance and it is only when warrant of arrest was issued, he has deposited with the Family Court an amount of Rs.10,000/-. He is, thus, flouting the order passed by the Family Court.

6. Before we take a firm view against respondent No.4, we direct him to deposit, before the Family Court, the entire amount of arrears within two weeks from today, failing which, we may consider taking up an action under the contempt jurisdiction.

7. Further, respondent No.4 shall furnish details of income tax returns, for last three years.

8. Stand over to 08.10.2025.”

2. As could be seen, respondent No.4 was directed to deposit with the Family Court entire amount of arrears within two weeks from the date of order. Respondent No.4 was also cautioned that contempt jurisdiction may be invoked.

3. Despite such order, respondent No.4 has not deposited even part amount of arrears of maintenance.

4. Respondent No.4 is accordingly called upon to show cause as to why he should not be prosecuted and punished in terms of the provisions of the Contempt of Courts Act, 1971.

Stand over to 06.11.2025.

(JUDGE)

(JUDGE)