



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 40 OF 2026

PARMESHWAR MAHADEV SANAP

VERSUS

SONALI PARMESHWAR SANAP AND OTHERS

...

Advocate for Petitioner : Mr. Doke Kishor R.

Advocate for Respondent Nos. 1 to 3 : Mr. Gajanan S. Shembole

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 8th JANUARY, 2026

PER COURT :

1. Heard.

2. The Petitioner has filed the present petition seeking to set aside the order dated 06.11.2025 passed by the learned Family Court at Aurangabad in P.E. No. 99/2021 below Exhibit-109, whereby the application for summoning a witness was rejected. The learned Counsel for the Petitioner contends that the witness is very important for the just and fair adjudication of the claim made by the Respondents, who had filed the application for maintenance. It is submitted that the witness, Mrs. Sapna Bhandekar, had lodged N.C. No. 426/2015 on 31.07.2015. The entire defence of the Petitioner depends upon the testimony of the said witness. However, since Mrs. Sapna Bhandekar has turned hostile, the contents of N.C. No.

426/2015 remain to be proved. The Petitioner therefore intends to examine the Investigating Officer to prove the contents of the N.C. and as such it is an important witness which cannot be given up.

. It is the submission of the learned Counsel for the Petitioner Mr. Doke that the application has been rejected by the learned Family Court, Aurangabad, solely on the ground that the Petitioner is indulging in delay tactics and that there is no cogent reason for examination of the Investigating Officer. The Counsel submits that the present petition has been filed with the intention of ensuring a fair adjudication of the matter, which has been pending since 2021. He further submits that the Petitioner is ready to examine the said witness within a stipulated period, if so directed by this Court, and that with such directions, the petition may be disposed of by setting aside the order dated 06.11.2025.

3. As against this, the learned Counsel Mr. Shembole who has appeared on behalf of the Respondent Nos. 1 to 3 strongly opposes the present petition on the ground that there has been considerable delay in deciding the claim for maintenance. Respondent No. 1, the wife, has been claiming maintenance since 2021. Respondent Nos. 2 and 3 are the children of the Petitioner and Respondent No. 1, for whom maintenance is also claimed. It is submitted that the Petitioner, who had earlier examined the witness, Ms. Sapna Bhandekar, to prove N.C. No. 426/2015, has deliberately filed the present application. The said application, No. 37/2025, has been filed only with the intention of protracting the proceedings under the guise of

examining Mr. S.M. Siddiqui, who had recorded the Non-Cognizable offence at Shivaji Nagar Police Station, Beed.

. It is further submitted by the learned Counsel Mr. Shembole for Respondent Nos. 1 to 3 that the observations of the Family Court were made after due application of mind to the entire proceedings undertaken therein. The Applicant has, time and again, sought one or the other reason to delay the proceedings, and in this background, the said application was rightly rejected by the learned Family Court. The order is just and proper and ought not to be interfered with by this Court in exercise of its writ jurisdiction.

4. I have gone through the order dated 06.11.2025 and the application filed by the Petitioner herein. A perusal of the application shows that Ms. Sapna Bhandekar was already examined on 04.09.2025. The said witness has turned hostile, and therefore permission was sought to cross-examine her. N.C. No. 426/2015 is also on record before the Family Court as Exhibit-106 collectively. The tenor of the evidence of Ms. Sapna Bhandekar prima facie indicates that she has resiled from the allegations made by her in N.C. No. 426/2015.

. Be that as it may, it is for the Family Court to evaluate the veracity of the testimony of the witnesses therein. However, in the facts and circumstances stated above, it would be expedient to permit the Petitioner to examine the Investigating Officer, Mr. Siddiqui. The concerns of the Respondents, as well as the observations of the

learned Family Court, can be addressed by directing that the examination of the said witness be completed within a stipulated period. Hence, in the facts and circumstances aforesaid, I am inclined to pass the following order :

ORDER

- (i) The Criminal Writ Petition is allowed.
- (ii) The impugned order is quashed and set aside with a direction to the Petitioner herein, to examine the Investigating Officer Mr. Siddiqui, by giving the correct address to the Family Court for issuance of summons within a period of two days.
- (iii) The Family Court shall summon the said witness thereafter and shall make an endeavor to complete the evidence of the said witness within a period of two weeks from receipt of the order by this Court.
- (iv) Failure on the part of the Petitioner to complete the evidence of said witness within two weeks, shall result in giving up the witness and the Family Court shall then proceed further without examination of said witness.
- (v) The Criminal Writ Petition stands disposed of accordingly in the aforesaid terms.

MEHROZ K. PATHAN
JUDGE

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