IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4662 OF 2025

Mohsin Mahamadgous Shaikh] Petitioner

versus

Almasbi Mohsin Shaikh] Respondent

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None for the Petitioner.
Mr. Sahil A. Shaikh a/w Mr. Shubham R. Mali, Advocate for Respondent.

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SHAILAJA SHRIKANT HALKUDE
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Date: 2026.10.16 10:28:23 +0530

CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 15, 2026

ORAL JUDGMENT :

1. None appears for the Petitioner when the matter is called out either in the Court Hall or through video conferencing mode.

2. Mr. Shaikh, learned Advocate, appears for the Respondent.

3. Perused the impugned order and record. It appears that the impugned order was passed on 22nd July 2025, and the Petitioner has challenged it in this Petition. However, till date, the Petitioner has not taken any steps to proceed with the matter. The Petitioner's conduct indicates that he is not interested in prosecuting the present Petition.

4. The Petitioner, who is the husband of the Respondent, has preferred this Petition challenging the order dated 22nd July 2025, passed by

the learned Family Court, Sangli, below Exhibit 24 in Petition E No.24/2022, whereby the learned Family Court directed the Petitioner to pay a sum of Rs.10,000/- each to the Respondent and their minor daughter from the date of the application until further orders.

5. A bare perusal of the Petition reveals that the Petitioner does not dispute his relationship with the Respondent and their minor daughter. The Petitioner contends that he is required to maintain his widowed mother, who is suffering from a thyroid ailment. He has to pay the equated monthly installments (EMIs) towards repayment of the housing loan. It is further contended that the Respondent is employed in a private school and earns a monthly salary of Rs.40,000/- to Rs.50,000/-. On these grounds, the Petitioner contends that the maintenance amount directed under the impugned order is exorbitant. Therefore, the Petitioner has preferred the present Petition challenging the same.

6. The learned Advocate for the Respondent submitted that, in the affidavit of assets and liabilities, the Petitioner has stated that his mother receives a pension of Rs.25,000/- per month and, therefore, has sufficient means to maintain herself. It is further submitted that the Petitioner has not produced any document to substantiate his income. In view of the above, the learned Advocate propounded that the learned Judge of the Family Court passed a just and proper order, and it does not warrant any interference.

7. Having considered the aforesaid facts and submissions advanced by the learned Advocate for the Respondent, and upon perusal of the impugned order, it appears that the learned Judge of the Family Court, in paragraph 6 of the impugned order, has categorically observed that the Petitioner is employed with a reputed company and earns a monthly income of Rs.1,00,000/- per month. Having considered the Petitioner's income, the learned Judge directed him to pay maintenance of Rs.10,000/- per month each to the Respondent and their minor daughter. The said order appears to be just and proper and does not warrant any interference.

8. It is evident from the affidavit of assets and liabilities that the Petitioner is a B.E. Electronics graduate. He works as a consultant in a Company and earns Rs.75,000/- to 85,000/- per month, indicating that he is able-bodied and capable of earning. The amount of maintenance granted is less than 25% of the admitted income of the Petitioner.

9. It is pertinent to note that the husband’s/Petitioner’s obligation is to maintain his wife/Respondent and daughter. He cannot be permitted to plead that he is unable to maintain them due to financial constraints as long as he is capable of earning. It is to be noted that the husband has to fulfill their day-to-day needs; he is duty-bound to provide a maintenance amount to them to live their life as per his status. In such a case, it is necessary to grant maintenance. Furthermore, the Petitioner failed to raise the ground that he

does not have sufficient means of income to maintain the Respondent and their minor daughter. Besides, it is worth noting that the prices of essential commodities have risen. Also, the daughter is a minor and is pursuing her education and therefore needs assistance for further education. In such circumstances, the maintenance amount granted to the Respondent and minor daughter appears to be too meagre to meet their daily needs.

10. It is worth noting that Section 125 of the Code of Criminal Procedure, 1973 (for short, '***Cr.P.C.***') is social welfare legislation which must be subjected to an extensive beneficial concern, and this understanding has been extended to maintenance. Similarly, it must be borne in mind that the right to maintenance under section 125 of the Cr. P. C. is not a benefit received by the wife. Rather, it is a legal or moral duty owed by the husband to maintain his wife and daughter. Undisputedly, the wife and daughter do not reside with the Petitioner, and the Petitioner does not pay them to live at his standard of living. These facts alone are sufficient to grant them maintenance.

11. Thus, considering the above discussion, it appears that the Petitioner has neglected and failed to maintain his wife and daughter. Therefore, the order passed by the learned Judge, Family Court is just and proper, and no interference is warranted under writ jurisdiction.

12. Consequently, the Writ Petition lacks merit and stands dismissed. No order as to costs.

13. Needless to clarify, the Petitioner is directed to pay the entire arrears of maintenance amount to the Respondent or deposit the same in the Family Court within sixty days from today. If the Petitioner fails to pay/deposit the arrears of maintenance amount, his right to proceed in the matter before the Family Court shall stand forfeited.

14. Inform the concerned Family Court accordingly.

15. The Petition is disposed of in the above terms.

(ABHAY J. MANTRI, J.)