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

**CRIMINAL WRIT PETITION NO.797 OF 2026**

Mrs. Gitanjali Singh : Petitioner  
Versus  
Mukesh Jayantilal Jain & ors. : Respondents.

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Ms Nimisha Thite for the Petitioner  
Mr. Nirav Shroff, through V.C., for the Respondent No.1  
Ms. Pallavi Dabholkar, APP for the Respondent/State.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATED : 07 MARCH 2026**

**PC:-**

1. This matter was circulated by Ms. Nimisha Thite Advocate for the Petitioner by praecipe dated 06 March 2026. The same is taken on record and marked "X" for identification.

2. Ms. Pallavi Dabholkar, learned APP for the Respondent/State and Mr. Nirav Shroff, raise an objection to the maintainability of the present Petition on the ground that the order impugned in the present Petition is passed under the provisions of the Protection of Women from Domestic Violence Act, 2005 ("PwDV Act). They submit that against the

order impugned, the remedy is in terms of Section 29 of the PwDV Act.

3. Faced with said objection, Ms. Nimisha Thite, learned Advocate for the Petitioner, on 06 March 2026 requested for a short adjournment. At her request, the Petition was listed today. Ms. Nimisha Thite submits that the Petitioner was bonafide pursuing her remedy in this Petition. She state that the Petitioner will file an Appeal under Section 29 of the PwDV Act within two weeks from today. She requests for exclusion of time spent in this Petition, as according to her this Petition was filed within the time period for preferring an Appeal.

4. Ms. Nimisha Thite craves leave to withdraw this Petition with liberty to approach the Appellate Court under Section 29 of the PwDV Act by filing an Appeal.

5. The request made by Ms. Nimisha Thite, learned Advocate for the Petitioner, is not objected to by Ms. Pallavi Dabholkar, learned APP for the Respondent No.2 and Mr. Nirav Shroff, learned Advocate for Respondent No.1.

6. In view of the statement made by Ms. Nimisha Thite, learned Advocate for the Petitioner, leave granted to withdraw the present Petition with liberty to file Appeal under Section 29 of the PwDV Act before the Court having jurisdiction.

7. Mr. Nirav Shroff, the Respondent No.1, fairly states that if the Petitioner files the Appeal before the Appellate Court

within a period of two weeks from today, the Respondent No.1 will not raise any objection on the ground of limitation.

8. If an Appeal is filed by the Petitioner before the Appellate Court having jurisdiction within two weeks from today, the same shall be considered on merits and in accordance with law after hearing all the parties. All contentions of parties are left open.

9. This Writ Petition is disposed of as withdrawn with liberty as prayed for.

**(ASHWIN D. BHOBE, J.)**