

Cri.M.A. No.42 of 2025  
PWDVA Exe.No.3 of 2025  
Prachi Vrs. Nikunj Harlalka

**COMMON ORDER BELOW EXH.17**

(Passed on 11.03.2026)

1. The present applications are moved by learned Advocate for the non applicant for cancellation of distress warrant issued against non applicant. The learned Advocate for applicant strongly opposed the application by filing her reply on the back of the applications. Perused the applications, says and records. Heard learned Advocates for both parties.

2. It is the contention of the learned Advocate for the non applicant that, the non applicant has paid sufficient amount and today also he is ready to pay Rs.1 Lakh towards the interim maintenance. The non applicant resident of Mumbai and today he is present before the Court for cancellation of warrant. He submitted that, within 15 days the non applicant has deposited Rs.6 Lakh towards the outstanding amount. Hence, prayed for cancellation of distress warrant issued against him.

3. The learned Advocate for the non applicant strongly opposed the applications. It is her contention that, there is huge outstanding against the non applicant of around Rs.71 Lakhs in one proceeding and Rs.51 Lakh in another proceeding. Today the non applicant is only depositing Rs.1 Lakh. The non applicant is financially sound and he has capacity to pay all the outstanding at once. However, in order to harass the applicant, the non applicant is prolonging to pay the outstanding amount. The matter is fixed on

12.03.2026 i.e. tomorrow. The warrant is not yet issued. Therefore, the non applicant could appear tomorrow for cancellation of warrant. She further argued that, considering the financial capacity of non applicant the warrant shall be cancel only after full payment of outstanding amount or at least half of the payment of outstanding amount. Hence, prayed for rejection of the applications.

4. Having heard both parties, it is not disputed that, the non applicant is resident of Mumbai therefore, merely asking him to wait till tomorrow for cancellation of warrant does not seem appropriate. In catena in judgments of Hon'ble Supreme Court and Hon'ble Bombay High Court, it has been impressed upon that, the proceedings filed under DV Act and under Section 125 of Cr.P.C. are primarily civil/quasi criminal with no immediate penal consequences. The Hon'ble Supreme Court has also emphasis that the Court should not use any coercive measures because this proceedings are designed for immediate relief rather than punishment. It is not disputed that, non applicant has paid Rs.6 Lakh within span of 15 days towards to outstanding amount. Today also the non applicant has given cheque f Rs.50,000/- in each proceeding. Therefore, the distress warrant issued against the non applicant is canceled subject to direction that, the non applicant shall pay the maximum outstanding amount without fail on next date.

Place: Shegaon  
Date : 11.03.2026

**(Smt. M. K. Gote)**  
Judicial Magistrate First Class,  
(Court No.2), Shegaon.