

**CNR No. MHWR030007012025****Cri. M. A. No. 08/2025****Pallavi + 1 Vs. Harjeet****COMMON ORDER BELOW EXHs. 20 & 23**

This is a proceeding under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('B.N.S.S.' for short). Non-applicant through present applications is raising preliminary objection as to the jurisdiction of this Court and seeking relief of recalling the order passed for interim maintenance below Exh. 05 dated 23/12/2025 respectively. Applicant filed *her* say below both the applications and resisted the same.

2. Ld. Advocate for non-applicant vehemently submitted that, the applicant had lodged one criminal complaint against non-applicant and in the statement as well as chargesheet in the said case, address of applicant is shown as Nagpur. Further, in the reply in H.M.P. filed at Delhi and in the quashing petition before the Hon'ble Bombay High Court, the applicant has mentioned her place of residence at Nagpur. However, only to harass non-applicant she has filed false case before this Court at Wardha.

3. He further argued that, this Court has granted interim maintenance to the applicant, but the said order is without jurisdiction and thus, not tenable. The non-applicant in his reply has raised the issue of territorial jurisdiction of this Court, but the same was not decided. Therefore, this Court has no jurisdiction to entertain & try the present proceedings and as the order dated 23/12/2025 is passed without jurisdiction, the same needs to be recalled. Hence, prayed for the reliefs sought.

4. *Per contra*, Ld. Advocate for applicant *vide* his say contended that, there is no provision of recall or review in criminal matter and thus, the application is not tenable. Non-applicant has opportunity to challenge the same and thus, present application being not tenable, is liable to be rejected. Hence, prayed for rejection of the applications.

5. Perused the applications, say filed and the record. Heard both sides.

6. Present proceedings under the provisions of Section 144 of B.N.S.S. are quasi civil in nature. Further, the provisions of Section 146(2) of B.N.S.S. also empower the Court to cancel or vary the order the maintenance. Hence, the objection raised by the Ld. Advocate for applicant regarding tenability of the application is liable to be discarded.

7. It is pertinent to note that, non-applicant in his reply (Exhs. 11 & 12) had not raised any preliminary objection. On the contrary, in the very first paragraphs of additional submission & specific reply in the said reply, non-applicant categorically mentioned that, he & his wife i.e. applicant had resided together at Wardha, Nagpur, Delhi & Gaziabad. Moreover, applicant in her affidavit of disclosure of Assets & Liabilities (Exh. 13) mentioned her current place of residence as Wardha. Similarly, non-applicant in his affidavit of disclosure of Assets & Liabilities (Exh. 14) has also mentioned the place of residence of applicant as Wardha & Nagpur.

8. Section 145(1) of B.N.S.S. provides for jurisdiction where the proceedings under Section 144 can be filed. Said provision

clearly states that, the application can be made against any person in any district where (a) he resides, (b) where he or his wife resides or (c) where he last resided with his wife.

9. Therefore, even though non-applicant has raised objection as to the place of residence of applicant, his averments in his reply as well as the affidavit act as estoppel. *Needless to mention*, non-applicant will be at liberty to adduce evidence in respect of his objection during the trial, however, the same will be a matter of final adjudication and cannot be decided at this stage.

10. As mentioned above, the non-applicant in his reply (Exhs. 11 & 12) as well as the affidavit (Exh. 14) himself mentioned that his wife resides at Wardha and that he had also resided with her at Wardha. Therefore, in light of the provisions of Section 145(1) of B.N.S.S. the present proceedings under Section 144 of B.N.S.S. is tenable at Wardha. Hence, the preliminary objection raised as to the jurisdiction of this Court is not tenable and is liable to be discarded.

11. Further, the ground raised for review of the order dated 23/12/2025 is also regarding the jurisdiction only and no other objection is raised in the same. As mentioned above, this Court has jurisdiction to entertain & try the present proceedings. Hence, said objection for review is also not tenable.

12. Therefore, considering the reasons mentioned above, I do not find any merit in the objection raised by non-applicant as to the jurisdiction of this Court. Hence, as there is no apparent error on the face of record or any jurisdictional error, in my view, no case is made out for alteration, variance or cancellation of the order of

interim maintenance as prayed. Hence, both applications raising preliminary objection and seeking review of order dated 23/12/2025 are liable to be rejected. Accordingly, I proceed to pass following order :

ORDER

1. Both applications at Exhs. 20 & 23 are hereby rejected.
2. Both parties to take note of this order.

Place : Wardha.

Dated : 24/03/2026

(Vickrant P. Khandare)
Judicial Magistrate First Class, Wardha.
(Court No. 1)