

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

**WRIT PETITION NO.4366 OF 2024**

Mrs.Swati Ganesh Bochu

.... Petitioner

***Versus***

The State of Maharashtra and Anr.

.... Respondents

.....  
Mr.Ashok M. Saraogi a/w. Priti Rao and Kavya Smriti, advocate for the Petitioner.

Mr.Nitin B. Patil, APP for Respondent No.1-State.

Mr.Sunil Lalla, Advocate for Respondent No.2.

.....

***CORAM : MANJUSHA DESHPANDE, J.***

***DATED : 20.06.2025***

**P.C. :**

1 The Petitioner, by the present Petition is challenging the order dated 16.05.2022 passed in Criminal Appeal No.13 of 2024. According to the learned advocate appearing for the Petitioner, *vide* order dated 14.12.2022, the Additional Chief Metropolitan Magistrate 5<sup>th</sup> Court, Dadar, had allowed the Interim Application for maintenance filed by the present Petitioner, wherein clauses (4) and (5) of the Interim Application read as under:

*“(4) The petitioner is permitted to reside in Room No.1308, 13<sup>th</sup> Floor, ‘D’ Wing, Building No.2, Dr.Babasaheb Ambedkar SRA C.H.S.L., behind Kamgar Maidan, Senapati Bapat Marg, Dadar (W), Mumbai, till decision of main petition, after one month from the date of this order.*

RAJESHRI  
PRAKASH  
AHER

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*(5) The respondents are restrained from entering into Room No.1308, 13<sup>th</sup> Floor, 'D' Wing, Building No.2, Dr.Babasaheb Ambedkar SRA C.H.S.L., behind Kamgar Maidan, Senapati Bapat Marg, Dadar (W), Mumbai."*

The said order was challenged before the Sessions Court, Greater Mumbai, in Criminal Appeal No.13 of 2024, wherein Clauses (4) and (5) have been quashed and set aside, and the Appellant No.1-husband is directed to pay monthly rent subject to payment of Rs.15,000/- towards rent other than the quantum of maintenance. According to the Petitioner, while reversing the order, the Session Judge has failed to appreciate that the Petitioner is the owner of the premises, inspite of that the order has been reversed by the Sessions Judge. This according to the Petitioner deserves consideration by this Court.

3 Issue notice to Respondents, returnable on 18.07.2025.

4 Learned APP waives service of notice for Respondent No.1-State.

5 Learned advocate Mr.Lalla waives service on behalf of Respondent No.2.

6 The learned advocate for the Petitioner undertakes to serve memo of the Petition to Respondent No.2.

7 Considering that the Petitioner herein was residing in the said premises as mentioned in Clause (4) of the order, the order came to be passed by the trial Court restraining Respondent No.2 from entering the said building . Relying on the Petitioner's averments that she is the owner of the said premises, and the premises has been purchased by her at the insistence of Respondent No. 2, the said order came to be passed by the trial Court considering that the DV Act proceedings pending adjudication and submitted that the woman are not left without a roof over their heads. As a result of the impugned order, the Petitioner is ousted from her own premises and has been left homeless. Hence, there shall be ad-interim relief in terms of prayer (b), till the returnable date.

8 List the matter on **18.07.2025**.

***(MANJUSHA DESHPANDE, J.)***