

**Court No. - 87**

**Case :-** APPLICATION U/S 482 No. - 30808 of 2023

**Applicant :-** Rakesh Kumar Bind

**Opposite Party :-** State Of U.P. And 2 Others

**Counsel for Applicant :-** Rajesh Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Neeraj Tiwari,J.**

1. Heard learned counsel for the applicant and learned AGA.
2. As per office report dated 11.12.2023, notice has been served upon opposite party nos. 2 & 3, but no one has appeared on their behalf.
3. The present 482 Cr.P.C. application has been filed to quash the judgment and order dated 12.10.2021 passed by Additional Principal Judge, Family Court No. 4, Jaunpur in Case No. 1805 of 2019, under Section 125 Cr.P.C., P.S. Sarpataha, District Jaunpur including the entire proceeding of case no. 1981 of 2021, under Section 128 Cr.P.C.
4. Learned counsel for the applicant submitted that opposite party no. 2 has solemnized second marriage with one Jiyaram on 02.11.2021 and out of the wedlock, she blessed with a girl child. Therefore, applicant is not entitled to pay any maintenance from the date of second marriage i.e. 02.11.2021 so far as wife is concerned. He next submitted that after knowing this fact, applicant has moved an application dated 28.03.2023 before Additional Principal Judge, Family Court-Ist, Jaunpur under Section 127 Cr.P.C. He next submitted that a direction may be issued to Additional Principal Judge, Family Court-Ist, Jaunpur to decide the aforesaid application and till disposal of same, recovery proceeding may be stayed.
5. Learned AGA pointed out that under such facts of the case, applicant is responsible to pay maintenance prior to date of second marriage i.e. 01.11.2021 and also maintenance for his child.
6. Considering the facts and circumstances of the case, application is **disposed of** with direction to Additional Principal Judge, Family Court- Ist, Jaunpur to decide the application moved under Section

127 Cr.P.C. maximum within a period of three months from the date of production of certified copy of this order with following conditions;

(i) Applicant is directed to comply the order dated 12.10.2021 and pay arrears of maintenance within one month so far as it relates to opposite party no. 3 and also pay maintenance on month to month basis;

(ii) Applicant is further directed to pay full amount of arrears of maintenance to opposite party no. 2 from due date till the date of second marriage i.e. 01.11.2021 in terms of the order dated 12.10.2021 within one month;

(iii) Further, recovery proceeding in Case No. 1981 of 2021 shall remain stayed till disposal of application moved under Section 127 Cr.P.C subject to compliance of condition nos. (i) and (ii) by the applicant.

**Order Date :- 12.12.2023**

Arvind