

Court No. - 89

Case :- APPLICATION U/S 482 No. - 33126 of 2023

Applicant :- Devilal

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

Counsel for Applicant :- Mahipal Singh

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application under Section 482 Cr.P.C. has been filed for quashing the judgment and order dated 28.06.2023 passed by the Principal Judge, Family Court, Mathura in Criminal Case No. 1131 of 2021 (Anita Vs. Devilal) under Section 125 Cr.P.C., P.S. Barsana, District Mathura.
3. It is submitted by the learned counsel for the applicant that interim maintenance fixed in the matter is excessive and exorbitant. Applicant is not in a position to pay such huge amount as fixed by Court concerned. Impugned order suffers from infirmity and illegality warranting interference by this Court. The trial court in ordinary manner, decided the interim maintenance application.
4. On the other hand, learned AGA opposing the prayer submitted that there is no infirmity or illegality in the impugned order warranting interference by this Court. Interim maintenance fixed by Court concerned is reasonable one.
5. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record carefully.
6. In this matter, as is evident from the record, application under Section 125 CrPC is pending before the Court concerned. The court concerned has fixed Rs. 4,000/- to opposite party no.2 and Rs. 2000/- to the opposite party no. 3 per month as interim maintenance. It is not in dispute that opposite no.2 is legally wedded wife of applicant and opposite party nos. 3 is his children.

Object of grant of maintenance is to afford a subsistence allowance to the wife who is not able to maintain herself. It provides a speedy remedy for the supply of food, clothing and shelter to the deserted wife. Maintenance awarded to a wife is not a bounty. A wife is also entitled to live with the befitting standard of husband. Thus, keeping in view this fact that it is the duty of a husband to maintain his wife and also the fact that interim maintenance may be modified and altered at the time of final judgment, no infirmity or illegality is found in the impugned order. No good ground is made out to interfere with the matter. The application lacks merits and is liable to be dismissed.

7. The application is accordingly **dismissed** at this stage.

8. However, the court concerned is directed to conclude the petition under Section 125 CrPC in accordance with law expeditiously, if possible within four months from the date of production of a certified copy of this order.

Order Date :- 1.12.2023

Meenu Singh