

Court No. - 89

Case :- APPLICATION U/S 482 No. - 34741 of 2023

Applicant :- Pradeep Kumar Giri

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Shri Prakash Mishra, Mainuddin Ahamad

Counsel for Opposite Party :- G.A., Rajendra Prasad Giri

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicant, learned counsel for the opposite party no. 2 and learned A.G.A. for the State.

2. This application under Section 482 Cr.P.C. has been filed by the applicant to direct the learned court below to decide the Complaint Case No. 970 of 2022 (Sangita Giri vs. Pradeep Kumar Giri) as expeditiously as possible, pending in the court of Principal Judge, Family Court, Mau, under Section 125 Cr.P.C., Sarai Lakhansi, District- Mau within a stipulated period. A further prayer has been made to quash the impugned order dated 16.08.2023 passed by Principal Judge, Family Court, Mau in Case No. 970 of 2022 (Sangita Giri vs. Pradeep Kumar Giri).

3. Learned counsel for the applicant submits that the order dated 16.08.2023 passed by the learned Principal Judge, Family Court, Mau is illegal, arbitrary and without considering the evidence produced by the applicant. He next submits that learned Principal Judge, Family Court, Mau in most arbitrary manner allowed the interim maintenance application of the opposite party no.2 and fixed Rs.10,000/- per month as an interim maintenance to opposite party no. 2. He next submits that interim maintenance amount of Rs.10,000/- per month is too excessive and applicant is not in a position to pay that amount on monthly basis. He next submits that while passing the order of interim maintenance of Rs.10,000/- per month, learned Principal Judge, Family Court, Mau has not considered the evidence produced by the applicant.

4. Per contra, learned A.G.A. as well as counsel for the opposite party no. 2 oppose the submissions raised by counsel for the applicant.

5. Considered the submissions raised by counsel for the parties and perused the entire record.

6. From perusal of record, it is apparent that proceedings under Section 125 Cr.P.C. is pending and final verdict has yet to come and evidence filed by the applicant has yet to be considered by the learned Principal Judge, Family Court, Mau and at this stage, evidence cannot be examined. In view of the above, this Court is not inclined to interfere in the impugned order dated 16.08.2023 passed by the learned Principal Judge, Family Court, Mau.

7. However, learned Principal Judge, Family Court, Mau is hereby directed to conclude the proceedings under Section 125 Cr.P.C. pending before him, preferably within a period of **four months**, from the date of production of certified copy of this order.

8. With the aforesaid directions, this application under Section 482 Cr.P.C. stands **disposed of**.

Order Date :- 16.11.2023

Aditya