

Court No. - 89

Case :- APPLICATION U/S 482 No. - 34241 of 2023

Applicant :- Deepak

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

Counsel for Applicant :- Rahul Shukla, Mahendra Tripathi

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. This application under Section 482 Cr.P.C. has been filed for quashing the order dated 18.08.2023 passed by Additional Principal Judge Family Court No. 1, Ghaziabad in Case No. 388 of 2022, (Ruma Yadav & another Vs. Deepak) under Section 125 of Cr.P.C. at Police Station- Muradnagar, District- Ghaziabad.

3. Counsel for the applicant has challenged the impugned order dated 18.08.2023 by which the Additional Principal Judge Family Court No. 1, Ghaziabad, has allowed the interim maintenance application of opposite party no. 2 by which the applicant has to pay Rs. 10,000/- per month for his minor son. Counsel for the applicant submits that Rs. 10,000/- per month for maintenance is too excessive and exorbitant and order passed on 18.08.2023 is illegal and the court has not considered the objection of the applicant and wrongly fixed salary of the applicant as Rs. 61,065/- per month.

4. On the other hand, learned AGA opposing the prayer of the applicant has 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 and final verdict is yet to come and at this stage, it would not be appropriate to interfere in the proceedings.

5. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record carefully and on perusal of the order dated 18.08.2023 in which the trial court has considered the salary of the applicant as Rs. 61,065/- per month and allowed interim maintenance to his minor son, the application does not require any interference as prayer to quash the

order dated 18.08.2023 is hereby rejected.

6. The trial court is directed to conclude the proceeding of the aforesaid case under Section 125 Cr.P.C in accordance with law expeditiously,if possible within a period of four months from the date of production of a certified copy of this order.

7. With the aforesaid observations this application is **disposed of**.

Order Date :- 18.10.2023

Saurabh