

**Court No. - 90**

**Case :- APPLICATION U/S 482 No. - 34564 of 2023**

**Applicant :- Atish Jyoti**

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

**Counsel for Applicant :- Ramkripal Yadav**

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

**Hon'ble Dinesh Pathak,J.**

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The present applicant has invoked the inherent power of this Court under Section 482 CrPC beseeching the quashing of impugned order dated 05.04.2023 in Case No.242 of 2021 (Kavita Vs. Atish Jyoti), under Section 128 Cr.P.C., Police Station Syed Raja, District Chandauli, pending before the learned Principal Judge, Family Court, Chandauli and direct the court below for hearing the application under Section 126 Cr.P.C.

3. After due deliberation at length, learned counsel for the applicant has prayed to decide the application under Section 126 Cr.P.C. dated 06.06.2022 expeditiously.. It is submitted that the opposite party No.2 (wife of the present applicant) has moved an application under Section 125 Cr.P.C., being Maintenance Case No.381 of 2017, for maintenance which was allowed by exparte order dated 22.11.2018 passed by the learned Principal Judge Family Court, Chandauli. While, applicant came to know about the exparte order, he has moved an application dated 06.06.2022 under Section 126 Cr.P.C., being Case No.406 of 2022, against the order dated 22.11.2018. Aforesaid application under Section 126 Cr.P.C. is pending protracted due to non cooperation of the opposite party no.2.

4. Learned A.G.A. has no objection in issuing a direction for expeditious disposal of the aforesaid application under Section 126 Cr.P.C.

5. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in

the present application, with a direction to the learned Principal Judge, Family Court, Chandauli before whom the aforementioned case under Section 126 Cr.P.C. is pending disposal, to decide the same expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order.

6. It is expected that the matter should be decided by a reasoned and speaking order, in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments to either of the parties.

7. With the aforesaid direction, present applicant is **disposed of**.

**Order Date :- 19.10.2023**

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