

Court No. - 88

Case :- APPLICATION U/S 482 No. - 35351 of 2023

Applicant :- Shafat Ulla

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

Counsel for Applicant :- Dinesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard Shri Dinesh Kumar, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been preferred by the applicant with a prayer to quash the order dated 08.08.2023 passed by Additional Principal Judge, Family Court-Ist, Jaunpur in Case No. 158 of 2019 (Babytabassum vs. Shafat Ulla), under Section 125 Cr.P.C., whereby interim maintenance application dated 30.09.2022 of the opposite party no.2, who is wife of applicant, has been partly allowed, directing the applicant to pay Rs. 3,000/- per month towards her interim maintenance from the date of presentation of application dated 30.09.2022.

3. After advancing some arguments, learned counsel for the applicant gave up his challenge by contending that the applicant does not want to press this application on merit because he is willing to settle the dispute with opposite party no.2 by way of mediation. Therefore, he may be allowed to move an appropriate application before the concerned Court below.

4. In response, learned A.G.A. submits that if applicant does not press the impugned order dated 08.08.2023, he has no objection in granting aforesaid liberty to the applicant.

5. Considering the facts of the case, in the light of the statement made by learned counsel for the

applicant at the Bar as noted above, the prayer for quashing the order dated 08.08.2023 is hereby refused. However, considering the alternative prayer of the applicant, liberty is granted to the applicant to move an appropriate application for mediation before the concerned Court below within two weeks from today. In case, applicant moves an application for mediation, the same shall be decided by the concerned Court below in accordance with law.

6. With the aforesaid direction, the application is **disposed of.**

Order Date :- 28.11.2023

Anurag/-