

Court No. - 89

Case :- APPLICATION U/S 482 No. - 36990 of 2023

Applicant :- Anuj Kumar

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

Counsel for Applicant :- Neha Tyagi, Akash Tyagi

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 by the applicant to quash the order dated 10.07.2023 passed by Addl. Principal Judge, Family Court, Court No.1, Meerut in Case No.568 of 2020, U/s 125 Cr.P.C., P.S. Sardhana, District Meerut.
3. Learned counsel for the applicant submitted that instant petition has challenged the order dated 10.7.2023 by which Additional Principal Judge, Family Court, Meerut has allowed Rs.3,000/- pm to the wife and Rs.2,000/- pm to the minor son as interim maintenance on the interim maintenance application of opposite party no.2 filed under Section 125 Cr.P.C. He further submitted that while allowing interim maintenance application, court below has not considered the status and income of the applicant as the applicant is earning Rs.6,000/- per month. The interim maintenance awarded by the court below is too excessive. The Addl. Principal Judge, Meerut in arbitrary manner and without application of judicial mind passed the order. The impugned order is wholly illegal and abuse of process of law.
4. *Per contra*, learned AGA submitted that order passed by Family Court is just and proper and considered the income of the applicant.
5. Considered the argument raised by applicant's counsel and perused the record, it is evident that interim maintenance application and proceedings U/s 125 Cr.P.C. is pending and final verdict is yet to come, hence, no interference is warranted at this stage. The applicant can raise his objection before the court below, which has been raised before this Hon'ble Court. The trial court is hereby directed to decide the proceedings U/s 125 Cr.P.C. after considering objection of the applicant expeditiously, in accordance with law within a period of five months from the date of filing of application along with certified copy of this order.
6. With the above directions, this application is **disposed of** finally.

Order Date :- 1.11.2023

Nitin Verma