

**Court No. - 83**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 10443 of 2023

**Petitioner :-** Aayushi Gupta

**Respondent :-** State of U.P. and Another

**Counsel for Petitioner :-** Kripa Shankar Shukla, Tej Prakash Mishra

**Counsel for Respondent :-** G.A.

**Hon'ble Surendra Singh-I,J.**

1. Heard Sri Tej Prakash Mishra, learned counsel for the petitioners and learned A.G.A. for the State-respondents.

2. This instant petition has been filed under Article 227 of the Constitution of India for direction to the Principal Judge, Family Court, Muzaffar Nagar, for expeditious disposal of application u/s 128 Cr.P.C. in Criminal Misc. Case No. 232 of 2022 (Aayushi Gupta Vs. Abhishek Garg) pending in the court of Principal Judge, Family Court, Muzaffar Nagar and also for execution of order passed u/s 125 Cr.P.C. in Criminal Misc. Case No. 772 of 2020 (Aayushi Gupta Vs. Abhishek Garg).

3. From the perusal of the order sheet, it transpires that the Criminal Misc. Case No. 232 of 2022 (Aayushi Gupta Vs. Abhishek Garg) u/s 128 Cr.P.C. has been registered on 16.03.2022. In the aforesaid case, the opposite party appeared on 27.10.2022. Since then, several dates have passed and the opposite party is presenting adjournment application for filing objection on the application u/s 128 Cr.P.C. More than 1½ years have passed since then. Copy of the order sheet has been annexed as Annexure No.3 to this petition, in order to demonstrate that the case is not proceeding expeditiously.

4. Considering the fact that the aforesaid case relates to recovery of maintenance allowance, its expeditious disposal is necessary in the interest of justice.

5. In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to the Principal Judge, Family Court, Muzaffar Nagar to decide the Criminal Misc. Case No. 232 of 2022 (Aayushi Gupta Vs. Abhishek Garg) filed under Section 128 Cr.P.C as expeditiously as possible, preferably within a period of three months, from the date of production of a certified copy of this order, if there is no legal impediment.

**Order Date :-** 18.10.2023

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