

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38188 of 2023

Applicant :- Deependra Mishra

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

Counsel for Applicant :- Ajay Kumar Mishra, Sachin 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 by the applicant to quash the impugned order dated 04.11.2022 passed by Principal Judge, Family Court, Kaushambi under Section 125 Cr.P.C., Police Station- Pashchim Sharira, District- Kaushambi in Case No. 262 of 2021 (Ranjana Devi vs. Deependra Mishra), whereby the Principal Judge, Family Court, allowed the interim maintenance application (paper no. 14 kha) of the opposite party no. 2 and directed the applicant to pay Rs.3,000/- per month as interim maintenance to opposite party no. 2 without considering the submission made by the applicant as well as entire proceeding of Case No. 262 of 2021 (Ranjana Devi vs. Deependra Mishra), pending before Principal Judge, Family Court, Kaushambi.
3. Counsel for the applicant submits that applicant has challenged the order dated 04.11.2022 by which learned Principal Judge, Family Court, Kaushambi has allowed the interim maintenance application filed by the opposite party no. 2 proceeding under Section 125 Cr.P.C and directed the applicant to pay Rs.3,000/ per month as interim maintenance. He next submits that applicant has filed objections before the learned Trial Court but the Court has not considered the objections of the applicant and in most arbitrary manner allowed the interim maintenance application of the opposite party no. 2, under Section 125 Cr.P.C.
4. Per contra, learned AGA opposes the submissions made by learned counsel for the applicant.
5. Considered the submissions of learned counsel for the parties and perused the entire record.

6. From perusal of order dated 04.11.2022 passed by the learned Principal Judge, Family Court, Kaushambi, it appears that applicant has not filed any objection against the interim maintenance application and learned Trial Court ex-parte allowed the application. Moreover, proceedings under Section 125 Cr.P.C. is still pending before the Trial Court and the final verdict yet to come, after considering the evidence produced by both the parties.

7. In view of the above, this Court is not inclined to interfere in the impugned order dated 04.11.2022 passed by the learned Principal Judge, Family Court, Kaushambi.

8. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

9. However, learned Trial Court is hereby directed to conclude the proceedings under Section 125 Cr.P.C., preferably within a period of five months, from the date of production of certified copy of this order.

Order Date :- 21.11.2023

Aditya