

Court No. - 91

Case :- APPLICATION U/S 482 No. - 37835 of 2023

Applicant :- Mrs. Shivani Malawa

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

Counsel for Applicant :- Jata Shankar, Nand Kishore Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. This application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the order dated 18.08.2023 passed in Misc. Case No.121 of 2023, under Sections 125 Cr.P.C., Police Station Sadar Bazar, District Saharanpur.
3. Learned counsel for the applicant submits that the trial court without assessing the income of the applicant illegally rejected the interim maintenance application and the impugned order is passed without application of judicial mind, which is liable to be set aside.
4. On the other hand, learned AGA for the State has opposed the prayer.
5. Keeping in view the contention and submission made by the learned counsel for the parties, it is apparent that no ground is made out for invoking inherent power under Section 482 Cr.P.C. as the alleged application is pending before the court concerned.
6. Having regard to the facts and circumstances of the case, the application is disposed off with a direction to the court concerned to hear and decide the alleged application within a period of three months in accordance with law.
7. With the aforesaid observations, the present application u/s 482 Cr.P.C. is ***disposed off***.

Order Date :- 19.10.2023

Sanjeet