

Court No. - 89

Case :- APPLICATION U/S 482 No. - 39346 of 2023

Applicant :- Sameer

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

Counsel for Applicant :- Madhava Nand Shukla

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 02.08.2023 passed by the Addl. Principal Judge (Family Court), Court No.1, Muzaffarnagar in Case No.130/XI of 2023, under Section 125 Cr.P.C., P.S. Meerapur, District Muzaffarnagar.
3. Learned counsel for the applicant submitted that applicant has challenged the order dated 02.08.2023 by which Additional Principal Judge, Family Court, Muzaffarnagar has allowed the interim maintenance application of opposite party No.2. He further submitted that applicant has appeared in proceedings and has filed objection but his objection has not been considered and in arbitrary manner has allowed the interim maintenance application of opposite party No.2. Interim maintenance amount of Rs.3,000/- is too excessive and the same has been directed to pay from the date of filing of application. The interim maintenance awarded by learned trial court is very excessive without considering the status and income of the applicant. 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. Considering the argument raised by applicant's counsel and perused the record, order challenged herein is interim maintenance order in which proceeding is pending and Family Court has to consider the evidence adduced by the parties. On merit, judgment and order has yet to come. Concerned court shall examine the evidence produced by the parties. Since, court has to examine the evidence, therefore, it would not be appropriate to examine the objection raised by the applicant. No interference is warranted. However, the Family Court shall endeavour to conclude the proceeding under Section 125 Cr.P.C. within four months, in accordance with law.
6. With the above directions, this application is **disposed of** finally.

Order Date :- 27.10.2023

Nitin Verma