

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38935 of 2023

Applicant :- Akhilesh Singh

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Anil Kumar Tiwari, Raj Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the impugned order dated 01.09.2023 passed by Additional Principal Judge, Family Court No.3, Deoria in Case No.140 of 2022 (Sadhna Devi vs. Akhilesh), under section 125 Cr.P.C., pending in the Court of Additional Principal Judge, Family Court No.3, Deoria.
3. Learned counsel for the applicant submits that applicant is father of the opposite party nos.3 & 4 who are minor. He moved objection in proceeding under section 125 Cr.P.C., which was lodged by opposite party no.2, grandmother of the opposite party nos.3 & 4 for maintenance of minor children from the applicant. Learned counsel for the applicant submits that preliminary objection raised by learned counsel for the applicant being father as well as natural guardian of the opposite party nos. 3 and 4, grandmother of the opposite party nos.3 & 4 has no right to move application under section 125 Cr.P.C. The Presiding Officer, family court has not considered submission and without considering facts of the case, rejected the prayer of the applicant and the order passed by the Additional Principal Judge, Family court No.3, Deoria dated 01.09.2023 is illegal and without considering the objection of the applicant.
4. *Per contra*, learned A.G.A. vehemently opposed the contention of learned counsel for the applicant.
5. Considered the argument raised by learned counsel for the applicant and perused the record. Opposite party no.2 is grandmother of the opposite party no.3 and 4, has moved application under section 125 Cr.P.C. against the applicant to maintain her legal grandsons, who are minor by their father/applicant. Application of the opposite party no.2 for maintaining her grandsons from their father, who is not taking care of his minor sons is maintainable unless and until applicant does not keep his minor sons with him. Preliminary objection raised by applicant has rightly been rejected. No interference is warranted.
6. In view of the above, this Court does not find any ground to interfere. The present 482 application is **dismissed** with the aforesaid observation.

Order Date :- 19.10.2023