

Court No. - 89

Case :- APPLICATION U/S 482 No. - 40249 of 2023

Applicant :- Smt. Pallawi Joshi

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

Counsel for Applicant :- Suresh Chandra Pandey, Hare Krishan Pandey

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 order dated 19.11.2022 passed by Additional Principal Judge, Family Court, Court No.1, Kanpur Nagar in Misc. Case No.515 of 2018, (Kamal Joshi Versus Pallavi Joshi), under Section 126(2) Cr.P.C.
3. Learned counsel for the applicant submits that by order dated 19.11.2022, application under Section 126(2) Cr.P.C. of the opposite party no.2 was allowed with direction that opposite party no.2 shall deposit Rs.1,85,000/- within a month but till today the applicant has not deposited the said amount as per the direction issued by the order dated 19.11.2022. In paragraph no.19 of the affidavit filed in support of 482 Cr.P.C. application, the applicant was stated that the opposite party no.2 has not complied the order and has not deposited a single penny. It is next submitted that by order dated 17.11.2016, application under Section 125 Cr.P.C. of the applicant was allowed but till today she was not received a single penny.
4. Learned AGA opposed the prayer but could not dispute the aforesaid submissions.
5. Considering the arguments raised by learned counsel for the applicant, trial Court is hereby directed that if the opposite party no.2 has not deposited the amount in pursuance of order passed on 19.11.2023, passed by the Additional Principal Judge, Family Court, Court No.1, Kanpur Nagar then the applicant shall move an application for execution to recover the amount in pursuance of aforesaid order. The executing Court shall decide the execution application, in accordance with law.
6. With the aforesaid directions, the 482 Cr.P.C. application is disposed of.

Order Date :- 21.11.2023

I.A.Siddiqui