

Court No. - 89

Case :- APPLICATION U/S 482 No. - 41406 of 2023

Applicant :- Smt. Neetu Gupta And Another

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

Counsel for Applicant :- Chandra Bhushan Prasad, Firoz Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants and learned A.G.A for the State as also perused the record.
2. This application under Section 482 Cr.P.C. has been filed to quash the impugned order dated 28.07.2023 in Case No.1573 of 2022, under Section 125 Cr.P.C., Police Station-Sadar Bazar, District- Agra, pending before the court of Principal Judge, Family Court, Agra.
3. Learned counsel for the applicants submits that applicants filed application under section 125 Cr.P.C. before the learned Principal Judge, Family Court, Agra and thereafter moved interim maintenance application. Interim maintenance application of the applicants was rejected by order dated 28.07.2023, which is challenged herein. Learned counsel for the applicants submits that without considering the evidence produced by applicants, held that applicant no.1 is not wife of opposite party no.2 and rejected the interim maintenance application of the applicants. He next submitted that applicant no.1 is legally wedded wife of opposite party no.2. The finding is not based on the evidence produced by the applicants.
4. Learned AGA opposed the submission made by learned counsel for the applicant.
5. Considered the argument of both the parties and perused the record. Proceeding under section 125 Cr.P.C. is pending before learned family court and opposite party no.2 has filed objection/written statement as well as rejoinder affidavit is also filed in the proceeding. It appears that matter is ripe for final adjudication. In such circumstances, Principal Judge, Family court is directed to decide the proceeding under section 125 Cr.P.C. in accordance with law preferably within a period three months from the date of production of certified copy of this order.
6. Hence, the application u/s 482 Cr.P.C. stands **disposed of**.

Order Date :- 8.11.2023

SKD