

Court No. - 89

Case :- APPLICATION U/S 482 No. - 41375 of 2023

Applicant :- Manoj Sonkar @ Manoj Kumar

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Devendra Kumar

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 11.01.2021 passed by Principal Judge, Family Court, Azamgarh in Case No.257 of 2019 (Nirmala Sonkar and another vs. Manoj Sonkar), under section 125 Cr.P.C., Police Station Atrauliya, District Azamgarh as well as order dated 19.12.2022 passed by Principal Judge, Family Court, Azamgarh in Misc.Case No.128 of 2021 (Manoj Sonkar vs. Nirmala Sonkar and another), under section 126(2) Cr.P.C., pending in the court of Principal Judge, Family court, Azamgarh.
3. Brief fact of the case is that application of opposite party no.2 under section 125 Cr.P.C. was allowed by order dated 11.01.2021 with direction that applicant shall pay Rs.1,000/- per month to opposite party no.2 and Rs.500/- to opposite party no.3-minor son of applicant. Thereafter, applicant moved application under section 126(2) Cr.P.C. alongwith Section 5 Delay Condonation Application. Application of the applicant was allowed by order dated 19.12.2023 with direction that applicant to make payment of Rs.39,600/- of the dues amount Rs.66,000/- within a month but applicant did not deposit the amount and filed this application that he may be given some time to deposit the amount.
4. *Per contra*, learned A.G.A. vehemently opposed the contention of learned counsel for the applicant.
5. Considered the argument of learned counsel for the applicant and perused the entire record. From the record it is apparent that order was passed on 11.01.2021 in proceeding under section 125 Cr.P.C. and the application under section 125 Cr.P.C. was filed in the year 2019 but applicant intentionally did not appear in the proceeding since last five years. He has not deposited the amount as per direction issued by the learned Family court. No interference is warranted. The present 482 application is **dismissed** with the aforesaid observation.

Order Date :- 8.11.2023

SKD