

Court No. - 5

Case :- APPLICATION U/S 482 No. - 42408 of 2023

Applicant :- Kanhaiya Lal @ Adarsh

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

Counsel for Applicant :- Shyamal Kumar Prayagi, Kushagra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Piyush Agrawal, J.

Learned A.G.A raises preliminary objection with regard to the maintainability of the present application by submitting that against the impugned order dated 16.8.2023 passed by Additional Principal Judge Family Court No.5, Ghaziabad in Maintenance Case No.875 of 2021, under Section 125 Cr.P.C., present application is not maintainable in view of the judgments of Hon'ble Apex Court passed in the case of **Manish Aggarwal Vs. Seema Aggarwal, 2012 (0) Supreme (Del) 1888**, High Court of Tripura passed in the case of **Sarmistha Dewan Ghosh, wife of Milanmoy Dewan Vs. Milanmoy Dewan, son of Late Nripendra Lal Dewan, 2021 LawSuit (TR) 447** and of this Court passed in the Case of **Sugandh Porwal Vs. Stete of U.P. and three others (Criminal Revision No.1421 of 2021)**.

To the said said objectoin, learned counsel for the applicant could not submit anything.

In view of the above, the present application is **dismissed** as not maintainable.

Order Date :- 21.11.2023

Pravesh Mishra