

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42715 of 2023

Applicant :- Jyoti Mishra

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

Counsel for Applicant :- Nagesh Kumar Dwivedi, Ashutosh

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Nagesh Kumar Dwivedi, learned counsel for the applicant and Sri Arvind Kumar, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking direction for expeditious disposal of Case No. 528 of 2014 (Jyoti Mishra vs. Sanjay Kumar Mishra), u/S 125 Cr.P.C., P.S.- Cantt, District- Prayagraj, pending in the court of learned Additional Principal Family Court, Room No.3, Prayagraj.

3. Learned counsel for the applicant submits that applicant herein has filed the application u/S 125 Cr.P.C. on 23.07.2014, which is pending for disposal since then and the examination-in-chief of the applicant has already been conducted. However, due to non-cooperation of the opposite party no.2, the instant application could not be disposed of and more than nine years have passed. Learned counsel for the applicant submits that the proceedings u/S 125 Cr.P.C., are of the urgent nature, to provide the financial support to the destitute person. Therefore, he has prayed for a direction for expeditious disposal of the aforesaid complaint case filed by the applicant herein.

4. Looking at the facts and circumstances of the case, learned counsel for the State do not oppose the prayer made by learned counsel for the applicant.

5. Looking at the facts and circumstances and the prayer made by learned counsels for the applicant, this Court do not find any good reason to issue notice to the opposite party no.2 and keep the matter pending here, which will further delay the trial of the aforesaid case. Since, the proceedings u/S 125 Cr.P.C., are of the urgent nature to provide immediate financial support to a destitute person and the instant application was filed in the year, 2014 and since then, it is pending and from the perusal of the order-sheet, it appears that opposite party no.2 is not cooperating with the trial of the aforesaid application and

deliberately delaying the disposal of the said application.

6. In view thereof, the learned Principal Judge, Family Court, Prayagraj (Allahabad), is directed to expedite the hearing of the aforesaid case u/S 125 Cr.P.C., filed by the applicant herein and dispose of the same, preferably within a period of six months, from the production of certified copy of this order, if there is no legal impediment.

7. With the aforesaid directions, the instant application is ***disposed of.***

Order Date :- 6.12.2023

Shubham Arya