

**Court No. - 91**

**Case :-** APPLICATION U/S 482 No. - 43414 of 2023

**Applicant :-** Sachin Sharma

**Opposite Party :-** State Of U.P. And 3 Others

**Counsel for Applicant :-** Om Prakash Tripathi

**Counsel for Opposite Party :-** G.A.

**Hon'ble Gajendra Kumar,J.**

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to set aside the entire of proceeding of entire case along with order dated 26.07.2023 passed by the Principal Judge, Family Court, Ghaziabad in Criminal Case No.214 of 2022 ( Pooja Sharma and others Vs. Sachin Sharma) under Section 25 Cr.P.C, P.S. Masoori, District Ghaziabad along with recovery order dated 6.10.2023 and to quash the further proceeding of the aforesaid case.
3. It is submitted by the leaned counsel for the applicant that the Principal Judge, Family Court vide order dated 26.07.2023, the interim maintenance of Rs.12,000/- per month was passed in favour of opposite party nos.2 to 4. It is further submitted that in another proceeding under section 12 of the Domestic Violence Act, vide order dated 21.08.2023, an order for maintenance was also passed to the tune of Rs.20,000/- per month. The prayer has been made that the applicant be permitted to file an application and maintenance amount was to be paid Rs.20,000/- may also be considered on the application to be filed.
4. Learned A.G.A. submitted that, in case, applicant files an application before the trial court, which can be considered by the learned trial court in accordance with law.
5. In view of the above, the instant application is **disposed of** with the direction to the applicant to appear before the family court and file an appropriate application within a period of four weeks, which shall be heard and decided in the light of the judgment of the Hon'ble Supreme Court in **Rajnesh Vs Neha ( Criminal Appeal No.730 of 2020)**.

**Order Date :-** 4.12.2023

SFH