

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44185 of 2023

Applicant :- Amit Kumar Patel @ Amit Patel

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

Counsel for Applicant :- Sunil Choudhary

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant has approached this Court through this application under Section 482 Code of Criminal Procedure for setting aside the impugned order dated 24.6.2022 passed by Additional Principal Judge, Family Court-I, Gorakhpur in Criminal Misc. Case No. 150 of 2017, titled Smt Mala Singh and another vs. Amit Patel, under Section 125 Cr.P.C., P.S. Cantt., district-Gorakhpur.

Learned counsel for the applicant submits that on account of differences between applicant and his wife opposite party no. 2-Mala Singh, the matrimonial litigation started between the parties and through the impugned order dated 24.6.2022 passed by Additional Principal Judge, Family Court, Gorakhpur, application filed by wife under Section 125 Cr.P.C. has been allowed directing the applicant to pay monthly maintenance of Rs. 3000/- to the wife and Rs. 1500 to the minor daughter namely, Palak. He further submits that the applicant has also filed a divorce petition No. 129 of 2017, under Section 13, Hindu Marriage Act, 1955 and this Court, vide order dated 17.8.2023 passed in Matter Under Article 227 bearing no. 8538 of 2023 directed the family court to decide the said petition expeditiously.

Learned counsel for the applicant further submits that the applicant has already paid a sum of Rs. 1,20,000/- as maintenance to the opposite side in compliance of the order dated 24.6.2022 and the opposite party no. 2 has also filed an execution case bearing Case No. 902 of 2022. Learned counsel prays for limited indulgence for facilitating the effort of mediation as the couple is ready to settle their

dispute. During the course of hearing it is fairly stated by learned counsel that the applicant is earning approximately a sum of Rs. 9000/- per month.

Upon hearing the submissions and considering the nature of litigation and the prayer pressed during hearing, this Court is not inclined to exercise the inherent powers under Section 482 Code of Criminal Procedure only to explore the possibility of compromise between the parties. Since the other litigation between the parties is pending, applicant can make an attempt before the family court for exploring the possibility of compromise. The parties are residents of Gorakhpur and it would be convenient for them to enter into this exercise at Gorakhpur, therefore no case is made out for interference.

The petition is **dismissed**.

Order Date :- 4.12.2023

Faridul