

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44851 of 2023

Applicant :- Ambarish Tripathi @ Ambarish Tiwari

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

Counsel for Applicant :- Pramod Kumar Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant being accused has approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the order dated 09.11.2022 passed by Principal Judge, Gorakhpur issuing non-bailable warrants against him in Execution No.67 of 2006, titled Smt. Vandana Tripathi Vs. Ambarish Tripathi, under Section 128 Code of Criminal Procedure, arising out of Maintenance Case No.210 of 2002, under Section 125 Code of Criminal Procedure, Police Station-Kaptanganj, District- Gorakhpur.

Learned counsel for the applicant-husband states that pursuant to the order dated 20.02.2006 passed by family court, the proceedings for claim of maintenance raised by the wife was allowed in her favour and pursuant to the said order, the execution proceedings are also pending.

Learned counsel prays for a limited indulgence of this Court only to the extent of exploring a ray of hope of settlement between the parties as the applicant-husband is not interested in continuation of the litigation.

During the course of hearing, it is not disputed by learned counsel that the court issued warrants against the applicant to secure his presence and no such prayer has been made by the applicant-husband before the court where the proceedings are pending. At this stage, learned counsel submits that the attempt of mediation before this Court would be

more effective, therefore, he reiterates his prayer.

Considering the nature of the litigation and its long pendency, this Court does not find any reason to exercise inherent powers under Section 482 Code of Criminal Procedure, as it would be convenient for both the parties to enter into the effort of settlement before mediation center at Gorakhpur.

The application fails and is dismissed.

Order Date :- 8.12.2023

A Gautam