

Court No. - 89

Case :- APPLICATION U/S 482 No. - 45045 of 2023

Applicant :- Arun

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

Counsel for Applicant :- Gyanesh Kumar Mishra, Mayank Kumar Ranjan

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application under Section 482 Cr.P.C. has been filed for quashing the interim maintenance order dated 19.12.2022 passed by the Additional Principal Judge, Family Court no. 2, Agra, in Crl. Case No.1777 of 2021 (Gayatri Vs. Arun) under Section 125 Cr.P.C., P.S. Loha Mandi, District Agra whereby Rs.2500/- per month has been awarded to opposite party no. 2 as interim maintenance.
3. It is submitted by the learned counsel for the applicant that interim maintenance fixed in the matter is excessive as the applicant is labour and not in a position to maintain interim maintenance. The applicant has not moved objection before the court below. The impugned order suffers from infirmity and illegality warranting interference by this Court.
4. On the other hand, learned AGA opposing the prayer submitted that there is no infirmity or illegality in the impugned order warranting interference by this Court. Interim maintenance fixed by Court concerned is reasonable and final verdict is yet to come and at this stage, it would not be appropriate to interfere in the proceedings.
5. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record carefully.
6. In this matter, as is evident from the record, application under Section 125 CrPC is pending before the Court concerned. The

court concerned has fixed Rs. 2500/- to opposite party no.2 per month as interim maintenance. It is not in dispute that opposite no.2 is legally wedded wife of applicant and object of grant of maintenance is to afford a subsistence allowance to the wife who is not able to maintain herself. It provides a speedy remedy for the supply of food, clothing and shelter to the deserted wife. Maintenance awarded to a wife is not a bounty. Thus, keeping in view this fact that it is the duty of a husband to maintain his wife and also the fact that interim maintenance may be modified and altered at the time of final judgment, no infirmity or illegality is found in the impugned order. No good ground is made out to interfere with the matter. The application lacks merits and is liable to be dismissed.

7. The application is accordingly **dismissed** at this stage.

8. However, the court concerned is directed to decide the petition under Section 125 CrPC in accordance with law expeditiously, if possible within a period of six months from the date of production of a certified copy of this order.

Order Date :- 11.12.2023

Meenu Singh