

Court No. - 12

Case :- APPLICATION U/S 483 No. - 783 of 2023

Applicant :- Smt. Anuradha Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Lko. And Another

Counsel for Applicant :- Kaustubh Singh

Counsel for Opposite Party :- G.A., Sushil Kumar Singh

Hon'ble Rajeev Singh, J.

1. Shri Sushil Kumar Singh filed application for dismissal of the application along with counter affidavit filed on behalf of respondent no.2 which is taken on record.

2. Heard learned counsel for the parties.

3. On 07.12.2023, following order was passed:

"1. On 30th November, 2023, following order was passed.

"1. Heard.

2. Learned counsel for the applicant submitted that earlier, habeas corpus writ petition no.173/2022 was filed which was disposed of on 05.05.2023 with the following order:

"Heard Shri Kaustubh Singh, learned counsel for the petitioner, learned A.G.A. on behalf of opposite parties no.1 to 3 and Shri Nadeem Murtaza, learned counsel for opposite party no.4.

In compliance of the order dated 02.5.2023 Mrs. Anuradha Singh as well as Mr. Anil Singh are present before this Court in person and they have been identified by their respective counsel.

When the Court asked Mr. Anil Singh if there any dispute remains now, he submits that now no dispute remains at all and he is ready to keep his wife with him and she is free to come with him at any moment.

When the Court asked Mrs. Anuradha Singh whether she is also ready to go with her husband Anil Singh she also gave assurance that she is also ready to go with her husband just now.

Thus, from the statements made by husband Anil Singh and wife Anuradha Singh now there appears no dispute at all between the parties and the same has been amicably settled. They have two children namely Harsh Vardhan Singh, boy and Anvi Singh, girl.

Both of them also undertake before this Court that they will look after their children very well and shall not fight amongst each other regarding minor disputes which always happen between husband and wife. It is also assured by both the parties that all the civil and criminal cases filed

between each other and their family member shall also be withdrawn after this order and the authorities / courts may pass appropriate order for withdrawal of cases.

Shri Diwakar Singh learned A.G.A. submits that as the dispute between the parties has now amicably been settled before this Court after more than five appearances, now it does not seem proper that further the parties be called before this Court.

As per the statement of the parties the dispute has been settled. The husband is ready to keep the wife with him and will discharge all the liabilities which he has taken at the time of marriage.

The wife Mrs. Anuradha Singh is also bound to comply all the conditions and her duties.

With the aforesaid observation the present Habeas Corpus petition is finally disposed of. "

3. But till today, private respondent has not imitated any steps as after passing of the aforesaid order, he is not cooperating in the proceeding under Section 125 Cr.P.C. pending before the Court below.

4. List this case on 07.12.2023.

5. On the next date, applicant as well as private respondent shall appear in person before this Court.

6. Station House Officer, P.S.- Gomti Nagar, District- Lucknow is directed to ensure the presence of private respondent, namely, Anil Singh s/o Shri Hari Prasad Singh, r/o House No.2/29, Vipul Khand, P.S.- Gomti Nagar, District- Lucknow before this Court on the next date of listing."

2. Learned A.G.A. informs that the aforesaid order was communicated S.H.O., P.S. Gomti Nagar, District Lucknow. He also places a report of Sub-Inspector Pawan Kumar, Mobile No. 7678695676 dated 06.12.2023 in pursuance of the aforesaid order.

The report provided by the learned A.G.A. is taken on record.

3. It is evident from the report of the Sub-Inspector, P.S. Gomti Nagar that in place of informing the private respondent no. 2, he went to the house of brother of the applicant.

4. Apparently, there was no direction to the S.H.O. for meeting the family members of the applicant. Moreover, the private respondent is not present before this Court.

5. List this case again on 12.12.2023.

6. On the next date, Sub-Inspector, Pawan Kumar, P.S. Gomti Nagar, District Lucknow shall appear before this Court.

S.H.O., P.S. Gomti Nagar, District Lucknow is also directed to ensure the presence of private respondent no. 2 before this Court in pursuance of the earlier order, failing which, he shall appear before this Court. "

4. In pursuance of aforesaid order, parties are present and they have been duly identified by their respective counsel. S.I. Pawan Kumar, P.S. Gomti Nagar, District Lucknow is also present and informed that Mr. Manish, concerning clerk of Government Advocate Office has wrongly instructed him, therefore, the earlier order could not be complied with in true sense.

5. Learned counsel for the applicants submitted that the application under Section 125 Cr.P.C. is pending since 02.08.2022 but till today, application for interim maintenance could not be decided and the matter is listed on 17.01.2024. He requested that the direction may be issued to the Additional Principal Judge, Court No.03, Lucknow to decide the application for interim maintenance.

6. Learned A.G.A. has no objection on the aforesaid prayer of the applicant.

7. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, application is **disposed of** with the direction to Additional Principal Judge, Court No.3, Lucknow to decide the application of interim maintenance of the applicant within a period of two weeks from the date of production of certified copy of this order.

8. Learned counsel for the private respondent is also directed to cooperate in the proceeding.

Order Date :- 12.12.2023

V. Sinha