

GAHC010233202023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./467/2023

KAPIL DEV PEGU @ KAPIL DEB PEGU
S/O ASIN PEGU, R/O VILL.-KUMOLIYA CHAPORI, P.S.-LAKHIMPUR, DIST.-
NORTH LAKHIMPUR, ASSAM.

VERSUS

JYOTILATA DOLEY PEGU
W/O SRI KAPIL DEV PEGU, R/O VILL.- NO. 1 BORHATI, P.S.-SIMEN
CHAPORI, P.O.-TELAM, DIST.-DHEMAJI, ASSAM, PIN-787061.

Advocate for the Petitioner : MR. P HAZARIKA

Advocate for the Respondent : R L CHUTIA

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.02.2024

Heard Mr. P.K. Munir, learned counsel for the petitioner and also heard Mr. A. Khanikar, learned counsel for the sole respondent.

2. In this petition, under Section 397 read with Section 401 of the Code of Criminal

Procedure, 1973, the petitioner, namely, Kapil Dev Pegu @ Kapil Deb Pegu, has challenged the correctness or otherwise of the order dated 05.07.2023 passed by the learned Sub-Divisional Judicial Magistrate(M), Jonai, in Misc. Case No.01/2022.

3. It is to be noted here that vide impugned order dated 05.07.2023, the learned Court below has directed the petitioner to pay maintenance @ ₹ 5,000/- per month to the minor child and @ ₹ 10,000/- per month to the respondent.

4. Mr. Munir further submits that now both the parties have arrived at a settlement and the petitioner has agreed to pay a sum of ₹ 10,000/- per month to the minor child and to the respondent and as such, the impugned order dated 05.07.2023, may be modified to the aforesaid extent.

5. Mr. Khanikar, learned counsel for the sole respondent also submits that the matter has been settled between the parties amicably and the respondent has agreed to receive the sum of ₹ 10,000/- per month for the minor child and for herself and as such, this petition may be disposed of by modifying the impugned order dated 05.07.2023 to the extent agreed by both the parties.

6. Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the impugned order dated 05.07.2023.

7. As the parties have settled the dispute amicably amongst themselves and the petitioner has agreed to pay a sum of ₹ 10,000/- per month to the respondent and her minor child and as the respondent also agreed to receive the same, this Court is inclined to dispose of this petition by modifying the order dated 05.07.2023 to the extent that henceforth the petitioner shall pay a sum of ₹ 10,000/- per month to the minor child and also to the respondent, being the maintenance amount.

8. At this stage, Mr. Khanikar, learned counsel for the respondent submits that since passing of the impugned order dated 05.07.2023, the petitioner has not been paying any maintenance allowance to the respondent.

9. Mr. Munir, learned counsel for the petitioner submits that within a period of 1(one) month the petitioner will clear the arrear amount of maintenance allowance with effect from the date of order i.e. 05.07.2023.

10. In terms of above, and as agreed upon by both the parties, this criminal revision petition stands disposed of.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant