

**Court No. - 16**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 4057 of 2024

**Petitioner :-** Priyanka Singh

**Respondent :-** Additional Principal Judge Room No. 1 Family Court.  
District Lucknow And Another

**Counsel for Petitioner :-** Ravindra Kumar Singh, Anurag Maurya

**Hon'ble Shamim Ahmed, J.**

This writ petition has been filed with the following prayer:

*"i. Direct the concerned court i.e. A.P.J. Room No.I, Family Court, District- Lucknow to record the chief-examination and cross-examination of petitioner's sister as mentioned in the application dated 20-7-2024 on the next date related with the case filed u/s 125 Cr.P.C. in Criminal Misc. Case no. 242/2016 (Priyanka Singh Versus Amarnath Kushawaha @Nandu ) pending before the court concerned i.e. A.P.J., Room No.I, District- Lucknow, in the interest of justice.*

*ii. Direct the concerned court i.e. A.P.J. Room No.I, Family Court, District- Lucknow to decide the application dated 20-07-2024 as well as the case filed u/s 125 Cr.P.C. in Criminal Misc. Case no. 242/2016 (Priyanka Singh Versus Amarnath Kushawaha @ Nandu) pending before the court concerned i.e. A.P.J., Room No.I, District-Lucknow expeditiously within the stipulated period of time as fixed by this Hon'ble High Court, in the interest of justice."*

Learned counsel for the petitioner submits that earlier the petitioner had approached this court by filing an application under Section 482/378/407 No. 7993 of 2018, Smt. Prayanka Singh v. State of U.P. & anr., and this Court disposed of the case vide order dated 12.12.2018, which is reproduced hereunder:

*"Heard learned counsel for the petitioner and learned A.G.A. for the State.*

*This petition under Section 482 Cr.P.C. has been filed by the petitioner for issuing a direction to the learned court below to decide the Criminal Misc. Case No.242 of 2016 (Prinyka Singh vs. Amernath Kushawaha @ Nandu) under Section 125 Cr.P.C. pending before it within the time stipulated by this Court.*

*The aforesaid case under Section 125 Cr.P.C. is pending since 2016.*

*Since the objective of such proceedings is to prevent destitution of wife and children, hence, the same requires to be disposed of without any undue delay.*

*In the circumstances, learned court below is hereby directed to proceed with the aforesaid criminal case expeditiously and to bring it to its logical end at an early date without any undue delay.*

*The petition is accordingly disposed of."*

Learned counsel for the petitioner submits that thereafter case under Section 125, Cr.P.C. was dismissed against the petitioner vide order dated 23.06.2022. Aggrieved by the order dated 23.06.2022, the petitioner preferred Criminal Revision No. 850 of 2022 before this Court, which was finally allowed vide order dated 21.09.2023. The operative portion of the order (Para-25) dated 21.09.2023 is reproduced hereunder:

*"25. The revision stands allowed. The impugned judgment and order passed by the Court below is set-aside and the matter is remanded to court below with direction to decide the maintenance petition afresh in accordance with law in light of the observations of this Court in this judgment. The court below will be at liberty to summon any other witness like Preeti Singh sister of the revisionist or any other important witness or summon any documents to arrive at the truth, if it considers fit, either on its own motion or on an application of any of the parties."*

Thereafter, the trial court proceeded in the matter, but it has yet not been decided finally and the petitioner is suffering irreparable loss due to pendency of the aforesaid case. Thus, he submits that a positive direction be given to the learned Addl. Principle Judge, Room No. 01, Family Court, Lucknow, to decide the case of the petitioner, bearing Criminal Misc. Case No. 242 of 2016 pending before it , within a stipulated period.

The learned A.G.A. has no objection on the prayer made by the learned counsel for the petitioner and submits that a positive direction be given to the trial court to decide the said pending case of the petitioner, as merely keeping pending the same by the trial court does not suffice any purpose of the litigation.

In view of the statements made by the learned counsel for the parties, the learned Addl. Principle Judge, Room No. 01, Family Court, Lucknow, is directed to decide the case the petitioner, bearing Criminal Misc. Case No. 242 of 2016, pending before it expeditiously, say within 4 months, without granting any unnecessary adjournment to either of the parties from the date of filing of the certified copy of this order, unless there is some legal impediment or unless there is any order passed by the higher court staying the proceedings of the case.

With the aforesaid observation, the petition is **disposed of** finally.

(Shamim Ahmed, J.)

**Order Date :- 28.8.2024/A.Nigam**