

Court No. - 16

Case :- MATTERS UNDER ARTICLE 227 No. - 4119 of 2024

Petitioner :- Jyoti Shukla

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko And Another

Counsel for Petitioner :- Amit Kumar Singh, Sneha Singh

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Amit Kumar Singh, learned counsel for the petitioner as well as Sri Ashok Kumar Singh, learned A.G.A.-I for the State and perused the record.

This petition under Article 227 of the Constitution of India has been filed with a prayer to issue an order or direction commanding the learned trial court i.e. Principal Judge, Family Court, Ayodhya to decide the Criminal Complaint Case No.341 of 2022, under Section 126 Cr.P.C. pending since 09.11.2022.

Learned counsel for the petitioner submits that the petitioner is wife in the present case and against the order dated 10.10.2022 passed under Section 125 Cr.P.C. by the learned trial court, the husband i.e. opposite party no.2 has filed an application under Section 126 Cr.P.C. due to which the proceedings of case filed under Section 125 Cr.P.C. is not going any further. He further submits that even the opposite party no.2 i.e. the husband has not paid any singly penny to the petitioner for maintenance.

Learned counsel for the petitioner submits that a positive direction be given to the trial court to decide the aforesaid application filed under Section 126 Cr.P.C. by the husband within a stipulated period.

Learned A.G.A.-I 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 application filed by the husband of the petitioner under Section 126 Cr.P.C. 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 trial court is directed to decide the aforesaid application filed by the husband of the petitioner under Section 126 Cr.P.C. within four 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.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this petition and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 30.8.2024

Saurabh