

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13552 of 2014

Arising Out of Complaint Case No. -133 Year- 2012 Thana –Rafiganj District- AURANGABAD

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Md. Istekhar S/o Md. Abbas, resident of village-Fida Bigha, P.S. Rafiganj, District Aurangabad. Petitioner/s

Versus

1. The State of Bihar.
 2. Tabsam Pravin @ Tabbasum Arra, W/o Md. Istekhar, D/o Late Ari Pravin resident of village- Fida Bigha, P.S. Rafiganj, District Aurangabad. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Vasudeo R., Adv.
For the Opposite Party No. 2 : Mr. R. Bhusan Pd., Adv.
For the respondent : Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 22-08-2017

Heard the parties and perused the record.

2. This criminal miscellaneous application under section 482 of the Criminal Procedure Code, has been filed to quash the order dated 19.12.2013 passed by the learned Principal Judge Family Court, Aurangabad in Miscellaneous Case No. 133 of 2012 whereby and whereunder the Court below directed the petitioner to pay Rs. 2,000/- per month to the opposite party no. 2.

3. It is not in dispute that the petitioner is husband of the opposite party no. 2. The marriage between the parties took place in the year 1998. It is alleged that the wife was assaulted on account of non-fulfillment of demand of dowry and she is presently residing at her father's house along with her six children.

4. The learned Principal Judge, Family Court, after



going through the pleadings of both the parties and also considering the income of the petitioner, ordered him to make payment of Rs. 2,000/- per month to the opposite party no. 2 for her maintenance as well as her six children. The petitioner admittedly has not paid a single farthing towards monthly maintenance as directed by the Court below under order dated 19.12.2013. The opposite party no. 2 has no support to maintain herself as well as her six children. The direction to make payment of Rs. 2,000/- per month in present economic scenario, cannot be said to be exorbitant.

5. In the facts and circumstances of the case, I do not find any merit in this criminal miscellaneous application and the same accordingly, is dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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