

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42352 of 2014

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Arman Ali son of Nasimuddin resident of Garhani Bar Mohalla, P.S.
Charpokhari, Distt. - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Samina Parween D/o Safir Hussain resident of Babuganj, P.S. Koilwar,
Distt. - Bhojpur (Arrah)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 10-10-2017 This application has been filed under Section 482 of

Cr.P.C. for quashing the order dated 15.05.2014 passed by the

Principal Judge, Family Court, Bhojpur, Arrah in Case No. 49 of

2014 filed under Section 125 Cr.P.C.

The opposite party No. 2 had filed a maintenance case
under Section 125 of Cr.P.C. in the Court of Principal Judge,
Family Court, Bhojpur at Arrah, in which a compromise was
entered into between the parties by which as a one time settlement
Rs. 1,65000 (Rupees one lac sixty five thousand) was paid by the
husband to the wife as the maintenance amount.

A joint compromise petition with term and condition
for one time maintenance amount of Rs. 1,65000 (Rupees one lac
sixty five thousand) was filed before the Family Court with a



condition that thereafter opposite party-wife will not claim any further maintenance or monthly maintenance. Thereafter the matter was sent to the Lok Adalat and both the parties appeared before the Lok Adalat and accepted the settlement arrived at between the parties for one time maintenance amount of Rs. 1,65,000 (Rupees one lac sixty five thousand) and on the basis of such agreement between the parties, same was accepted by the Lok Adalat, Bhojpur and award to this effect was also prepared on the basis of such settlement.

Petitioner is aggrieved by subsequent case filed by the opposite party No. 2 wife before the Family Court, Bhojpur at Arrah claiming further maintenance by the husband petitioner although as per agreement it was agreed between the parties before the Lok Adalat the one time settlement between the parties and that no demand of further maintenance will be made by opposite party No. 2.

Petitioner has challenged order of issuance of notice by the Family Court, as such, present petition cannot be entertained at this stage. The respondent petitioner should appear before the Family Court pursuant to said notice and bring to the notice of Family Court that the issue of maintenance has been finally settled between the parties and same was affirmed by Lok Adalat also and



award to this effect was also passed by the Lok Adalat, as such, subsequent maintenance was not maintainable.

The petitioner is directed to appear before the Family Court pursuant to impugned notice and apprise the Family Court regarding previous settlement between the parties which was final and binding between both the parties and thereafter family Court may consider the matter and pass appropriate order in accordance with law.

With the said observation and liberty, the present petition is disposed of.

(S. Kumar, J)

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