

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45686 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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Mohd. Farooque Siddique @ Faroque Siddique S/o Ahmed Siddique R/o Village-
Maulania Bettiah, P.S. Jatha Bazar Kotwali, Padrauna, Kushi Nagar (U.P.).

.... Petitioner

Versus

1. The State of Bihar.
2. Ajmeri Khatoon, w/o Mohd. Farooque Siddique @ Faroque Siddique, D/o Mohd.
Usman Siddique R/o Village- Machhan Tola, Jatilahi, P.S. Thakraha, Bettiah,
Dist.- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-08-2017

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed by the petitioner for setting aside the order dated 05.08.2016 passed by the learned Principal Judge, West Champaran, Bettiah in Maintenance Case No.57M of 2014 whereby he has directed the petitioner to pay Rs.3000/- interim maintenance pending final disposal to his wife and three minor children living with his wife.

2. Section 125 of the Cr.P.C. requires neglect by



husband or father for passing order of maintenance. It is a measure of social security and especially enacted to protect women and children, who are unable to maintain themselves. If the husband or father having means neglects wife or children, the court would be justified in awarding maintenance.

3. After hearing learned counsel for the petitioner and perusing the record of the case, I see no illegality in the impugned order passed by the learned Principal Judge, Family Court, West Champaran, Bettiah. Moreover, the interim award of maintenance is always open to modification or cancellation by the court on a proof of change of circumstances or if the allegation in the application filed under Section 125 of the Cr. P.C. or affidavit are found not true.

4. In the opinion of this Court, at this stage, no case for interference in the impugned order in exercise of inherent jurisdiction of this Court is made out.

5. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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