

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1659 of 2015

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Dipak Kumar Nag, Son of Late Tulsi Ram, Resident of Doranda, Police Station Doranda in the district of Ranchi (Jharkhan)

.... Petitioner

Versus

1. The State of Bihar,
2. Nanda Devi @ Nanda Nag Wife of Dipak Kumar Nag and daughter of Muneshwar Prasad Presently residing in village - Tarar, Police Station - Daud Nagar in the district of Aurangabad (Bihar)

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Adv.

For the Opposite Party/s : Mr. D. Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDJRA KUMAR MISHRA

ORAL ORDER

5 30-01-2017

Heard.

This application, filed under Section 482 of Cr.P.C., is directed against the order dated 08.09.2014 passed in Misc. Case No.99 of 2012, whereunder the Principal Judge, Family Court, Aurangabad directed the petitioner to pay Rs. 4000/- as interim maintenance from the date of filing of the application for interim maintenance to the O.P. No.2.

Learned counsel for the petitioner submits that, in fact, petitioner filed the M.T.S. No. 321 of 2011 in the court of Principal Judge, Family Court, Ranchi seeking relief of the dissolution of marriage against his wife O.P. No.2. Thereafter, O.P. No.2 filed the complaint Case No. 471 of 2011, under Section 498A, 494 of I.P.C. and also filed the Maintenance Case No. 99 of 2012 under Section 125 Cr.P.C. only to give undue pressure. Further submission is that, in fact, O.P., who is wife of the petitioner used to reside at Dhanbad



with her brother-in-law and used to earn sufficient money by doing the tailoring work.

On going through the impugned order, I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction under Section 482 Cr.P.C. Accordingly, this application is dismissed. However, petitioner is at liberty to raise his grievance in the trial Court under Section 127 Cr.P.C.

(Rajendra Kumar Mishra, J)

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