

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43706 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- KATIHAR

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Tej Narain Das, S/o late Gunjar Ravidas, R/o Village- Jayanti Nagar, Mahadeoganj, P.S. Mahadeoganj, District - Sahebganj, presently residing at Khanakita , Block Chowk Sabour, P.S.- Sabour, District-Bhagalpur working at Primary Health Centre, Goradih, P.S. -Goradih, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar
2. Smt. Gauri Devi W/o Tej Narain Das and daughter of Sri Laxmi Ravidas R/o Mohalla- Driver tola, Lal Kothi Road, Ward no. 17, Katihar , P.S. and District- Katihar .

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-07-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing of the order dated 21.06.2016 passed by the learned Principal Judge, Family Court, Katihar in Maintenance Case No. 107 of 2016 filed under Section 125 of the Code of Criminal Procedure by the opposite party no.2 whereby the petitioner has been directed to pay Rs.10,000/- per month as ad interim maintenance to the opposite party no.2 from the



date of the order i.e. 21.06.2016 till disposal of the case.

2. I have heard learned counsel for the petitioner and perused the record.

3. There is no dispute to the fact that the opposite party no.2 is legally wedded wife of the petitioner and she is living separately with two minor sons aged 14 years and 6 years. It is also not disputed that the petitioner is in government service and is drawing salary of Rs.40,000/-.

4. The case of the petitioner is that though he is willing to keep his wife, the opposite party no.2 is not ready to live in the company of the petitioner and, thus, he is not liable to pay maintenance whereas the case of the opposite party no.2 is that the petitioner subjected her to cruelty for non-fulfilment of dowry demand. She was brutally assaulted on several occasions by the petitioner and his relatives and under compelling circumstances, she was forced to leave her matrimonial home together with her two sons.

5. Regard being had to the arguments made before the Court, I see no justification to interfere with the impugned order passed by the learned Principal Judge, Family Court granting Rs.10,000/- per month as ad interim maintenance to the opposite party no.2.

6. The application being devoid of any merit is



hereby dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2017
Transmission Date	10.07.2017

