

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37555 of 2016

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Anjani Kumar Son of Sri Arun kumar Residing at Maurya Vihar Colony,
P.O. Kumbrar, PS.-Agamkuan, District - Patna at Present Resident at Bharat
Heavy Electricals Limited, D.E.M. P1, Division Mindonil tower, 5th Floor,
Futon City, Noida, Sector 16 Noida (U.P)

.... Petitioner

Versus

1. The State of Bihar
2. Smt. Ritu Kumari Wife of Anjani Kumar and Daughter of Sri Surendra
Nath Resident of Basurganj, Bajaja Gali, Police Station- Pirbahore,
District Patna-4

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 08-11-2017 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State but none appears
on behalf of opposite party no.2 as the notice was not served to her.

2. The petitioner files this application under Section 482
Cr.P.C. for modification of order dated 21.06.2016, passed in
Criminal Revision No.973 of 2015, which was preferred against the
maintenance order dated 19.09.2015, passed by the Principal Judge,
Family Court, Patna in Maintenance Case No.1789(M) of 2014.

3. Learned counsel for the petitioner seeks modification
in the order dated 21.06.2016 passed by this Court earlier that
direction be given to opposite party no.2, the wife of the petitioner,
to seek divorce on mutual consent under Section 13(b) of the Hindu
Marriage Act. It is also submitted that the petitioner filed Divorce



Suit No.893 of 2016 and opposite party no.2 appeared and filed Written Statement that she has no objection in dissolving the marriage despite that she is not appearing before the trial court.

4. It appears that there was no such any settlement or compromise filed in Criminal Revision No.973 of 2015. The said revision was preferred only against the final maintenance order and a lump sum amount of Rs.8,00,000/- was given to the wife by the husband thereafter the order dated 19.09.2015, passed in Maintenance Case No.1789(M) of 2014 was set aside, besides the criminal proceeding of Complaint Case No.25837/C/2014 filed by the wife against the husband. In the aforesaid backdrop of the facts, there is no any requirement for modifying the impugned order. The trial court may take all necessary steps to procure the appearance of the defendant/wife in the divorce suit, which is a separate cause of action not related with the present modification matter.

5. Accordingly, the modification application stands disposed of.

(Arun Kumar, J.)

S.Kumar/-

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