

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52014 of 2014

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

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Ajay Prasad, Son of Sahbir Sao, Village Rajpura, P.S. Kaler, District Arawal

.... Petitioner

Versus

1. The State of Bihar

2. Rinku Kumari, D/o Rameshwar Sao, Village Tarar, P.S. Daudnagar, District Aurangabad

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate

For the State : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 21-11-2017

The petitioner seeks to set aside the interim order of maintenance dated 04.07.2014, passed under Section 125 Cr.P.C. by learned Principal Judge, Family Court, Aurangabad in Misc. Case No.186 of 2013.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner is the husband of opposite party no.2, already divorce decree was granted by the court on the basis of mutual consent by both sides and opposite party no.2 agreed that she would not get any compensation.

3. However, the impugned order shows that the wife has challenged the divorce decree that it was obtained by practicing coercion and under duress and threat she was made to give consent and the matter was sub-judice before the Family Court, even the



Principal Judge, Family Court, Aurangabad has rightly observed that even a divorcee is entitled for maintenance as it is statutory right of a divorced wife unless and until she becomes disentitled for maintenance by remarrying with other person or on other grounds i.e. living in adultery and otherwise however in the present case, there is no such exceptions for denying interim maintenance to the wife, so there is no any ground for interfering with the interim maintenance order dated 04.07.2014, passed by learned Principal Judge, Family Court, Aurangabad in Misc. Case No.186 of 2013.

4. The quashing application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

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