

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14483 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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Anil Kumar Gupta, son of Sri Karulal Halwai @ Karulal, resident of Mohalla- Goshala Road near Water Tanki, Town- Jhumri Tilaiya, P.S.- Jhumari Tilaiya, District- Kodarma (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arti Devi, wife of Anil Kumar Gupta, resident of Mohalla- Goshala Road near Water Tanki, P.S.- Jhumari Tilaiya, District- Kodarma at present daughter of Gopal Prasad, resident of Mohalla- Bich Bazar, P.O. & P.S.- Soh Sarai, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the State : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-08-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed by the petitioner for quashing the order dated 09.01.2018 passed by the Family Court, Biharsharif, Nalanda in Misc. Case No.01 of 2017 whereby the Family Court has directed to pay the arrears of maintenance.

2. In view of the decision of Division Bench of this Court in the matter of **Md. Akil Ahmad vs. The State of Bihar & Anr. [2016(4) PLJR 968]**, an application under Section 482 of the Cr.P.C. against an order of maintenance passed under Section 125 of the Cr.P.C. by the Family Court would not be maintainable.



3. Accordingly, this application is dismissed as not maintainable.

4. However, the petitioner would be at liberty to challenge the order impugned by way of filing an application under Article 227 of the Constitution of India.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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