

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32031 of 2018

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

=====

Triyogi Choudhary son of Late Ramchij Choudhary, resident of village- Belaur,
P.S.- Udwantnagar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dharmsheela Devi wife of Triyogi Choudhary, resident of village.- Belaur,
P.S.- Udwantnagar, District- Bhojpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate
For the State : Mr. Satyavarat Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-08-2018

This application under Section 482 of the Code of Criminal Procedure (for short “CrPC”) has been filed by the petitioner for quashing the order dated 25.04.2018 passed by learned Principal Judge, Family Court, Ara, Bhojpur under Section 125 of the Cr.P.C. in Miscellaneous Case No. 108 of 2012 whereby he has directed the petitioner to meet with entire expenses of marriage of the daughter of opposite party no.2.

2. In Md. Akil Ahmad vs. The State of Bihar and Anr reported in 2016 (4) PLJR 968, a Division Bench of this Court has held that against an order of maintenance passed under Section 125 of the CrPC, an application under Article 227 of the Constitution



2.

of India only would be maintainable before this Court.

3. In that view of the matter, this application under Section 482 of the Cr.P.C. cannot be held to be maintainable.

4. Accordingly, it is dismissed as not maintainable.

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

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.09.2018
Transmission Date	07.09.2018

