

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.746 of 2016

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1. Md. Imteyaj @ Md. Imteyaj Alam S/o Md. Ibrahim
resident of Village Hasanpur Bahrawa Mushartoli P.S.
Bajpatti, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Farzana Khatoon D/o Akharujama resident of Mohall
Magardahi Ward No. 19 under Town P.S. Samastipur, Dist.
Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH
KUMAR**

ORAL ORDER

4 14-05-2018 The petitioner is aggrieved by the final order dated 12.11.2014 passed by learned Principal Judge, Family Court, Samastipur in Maintenance case No.61 of 2014 whereby the petitioner has been directed to pay to O.P. No.2 an amount of Rs.3,000/- per month from 12.11.2014, i.e., from the date of preferring the maintenance petition. Learned counsel appearing for the petitioner has submitted that after the aforesaid order, a settlement was arrived at between the parties and pursuant to such a settlement, Rs.56,000/- has already been paid to the O.P. No.2. It has further been submitted that in the case which was filed by O.P. No.2 under Section 498A of the I.P.C., there has been a settlement and



the aforesaid payment was made pursuant to the aforesaid settlement.

The learned counsel, appearing on behalf of the O.P. No.2 has refuted the aforesaid assertions of the petitioner. He has also submitted that any settlement would be effective only on the acceptance of the terms thereof by the parties. The settlement which has been referred to by the petitioner was obtained under duress and coercion.

In any view of the matter, since the factum of settlement was not pressed before the Court below, it would only be appropriate that the petitioner be permitted to approach the Court below, under the changed circumstances and make an application under the forum provided for rescinding or varying the order. Once such an application is filed, the Family Court shall, on hearing the parties, decide the same in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

With the aforesaid observation and direction, the present revision petition is disposed of.

(Ashutosh Kumar, J)

Sanjeev/-

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