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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 4290/2016 and CrI.M.A.871/2018

NAVEEN KUMAR Petitioner

Through: Mr. K.D. Saini, Advocate

versus

SMT SUMAN Respondent

Through: Mr. Pradeep Jangra, Advocate with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **28.11.2018**

On the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 of the respondent, the Metropolitan Magistrate, by her order dated 19.01.2016, directed *ex parte* the payment of interim maintenance allowance @ Rs.3,000/- per month in favour of the respondent (the petitioner before the magistrate) from the date of filing of the petition till further orders. The petitioner concededly is the estranged husband of the respondent. He challenged the said order in criminal appeal (CA No.54443/2016) before the court of sessions but unsuccessfully, the appeal having been dismissed by order dated 12.08.2016. Thereafter, he has come up to this court by the petition at hand under Section 482 Cr.P.C. assailing the said orders of the two courts below.

After some hearing, the learned counsel for the petitioner, on instructions, submitted that he is ready to abide by the aforementioned

directions of the Metropolitan Magistrate, and, therefore, may be permitted to withdraw the present petition and the application filed therewith, his only grievance being that the application for interim maintenance allowance has remained pending, no inquiry till date having been held on the main petition under the Act of 2005, the order passed *ex parte* having continued. His request is for suitable directions to the Metropolitan Magistrate to decide the interim application under Section 23 of the Act of 2005 at an early date and for expeditious inquiry into the main petition under Section 12 of the Act of 2005.

The present petition and the application filed therewith are dismissed as withdrawn.

The Metropolitan Magistrate is requested to decide the pending application under Section 23 of the Act of 2005 at an early date, preferably within two months of the date next fixed in the manner in the said court and also to proceed with the inquiry into the main petition under Section 12 of the Act of 2005 expeditiously.

Dasti.

R.K.GAUBA, J.

NOVEMBER 28, 2018`

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