

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3567 of 2015**

Arising Out of Misc Case No.16- Year-2011 Thana- District- Nalanda

Sanjay Yadav Son of Faujdari Yadav, Resident of Village - Halim Chak, P.S. - Silao, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Unila Devi Wife of Sanjay Yadav and daughter of Chhote Yadav, Resident of Village - Halim Chak, P.S. - Silao, District - Nalanda at present residing at village - Sipah, P.O. and P.S. - Deep Nagar, District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dineshwar Prasad Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 03-05-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 (hereinafter referred
to as the 'Code') for the following relief:

*“That this is an application for quashing
the order dated 23.11.2012 passed in Misc. Case
No. 16 of 2011 by Principal Judge, Family Court,
Nalanda at Bihsrsharif whereby the learned court
below directed the petitioner to pay the
maintenance amount to opp. Party no. 2 as well as
the order dated 22.10.2013 whereby ordered to
issue D/W against the petitioner.”*



3. Earlier, the Court had called for a report from the Court below. Pursuant to the same, the Principal Judge, Family Court, Biharsharif, Nalanda had sent a report in which it has been stated that the petitioner, till date had not complied with the order to pay maintenance. The Court, thus, was of the opinion that strict order was required to ensure payment of such maintenance amount to the opposite party no. 2, who is his wife, moreso, when there is a judicial order to this effect.

4. At this juncture, learned counsel for the petitioner submitted that he may be permitted to withdraw the application.

5. In the aforesaid background, the Court, under its inherent power under Section 482 of the Code is also required to pass an order for securing the ends of justice.

6. In such view of the matter, in the considered opinion of the Court, the petitioner cannot be allowed to simply withdraw the application, when his *mala fide* conduct stands exposed.

7. Accordingly, the Court would direct the Court below to take all coercive measures against the petitioner for ensuring that the order dated 23.11.2012 passed in Misc. Case No. 16 of 2011, is complied with without any further delay.



8. Accordingly, as prayed for by learned counsel for the petitioner, the matter stands disposed off as withdrawn in the aforementioned terms.

9. Registry shall communicate the order to the Principal Judge, Family Court, Nalanda forthwith for its strict compliance.

(Ahsanuddin Amanullah, J.)

P. Kumar

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