

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 34668 of 2016

Arising out of Maintenance Case No.-352 Year-2014 Thana-Ahiyapur District-Muzaffarpur

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Mandeep Kumar Tiwari, Resident of Mohalla-Swami Vivekanand Colony, New Zero Mile, Ahiyapur, P.S.-Ahiyapur, Distt.-Muzaffarpur.

.....Petitioner/s

Versus

1. The State of Bihar.

2. Priti Pallav, Wife of Mandeep Kumar Tiwari, D/o Shiv Shankar Singh.

3. Oni, Son of Mandeep Kumar Tiwari, under guardianship of his mother Priti Pallav (O.P. No. 2).

Both presently residing at Mohalla-Sri Krishna Nagar, Near-Majharia Sub-Post Office, P.S.-Motihari Town, Distt.-East Champaran.

.....Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.

For the O.P. No. 2 : Mr. Aditya Narayan Singh No. 1, Adv.

For the State : Mr. Ram Priya Sharan Singh, APP

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CORAM : HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

14/- 26.08.2020

Heard Mr. Mahendra Thakur, learned counsel for the
petitioner and Mr. Aditya Narayan Singh No. 1, learned counsel



for the opposite party No. 2. The State is represented by Mr. Ram Priya Sharan Singh, learned APP.

This is an application for quashing of the order dated 02.06.2016 passed by the learned Principal Judge, Family Court, Motihari in connection with Maintenance Case No. 352 of 2014, whereby the petitioner has been directed to pay to opposite party No. 2 an *ad-interim* maintenance of Rs. 7,000/- per month to opposite party Nos. 2 and 3.

It has been urged on behalf of the petitioner that such order was passed without evaluating the grounds raised on behalf of the petitioner or the pleadings put forth by him.

It appears from the order dated 30.09.2016 that the petitioner was directed to deposit the amount of Rs. 14,000/-, *i.e.*, maintenance for two months before the Court below and the opposite party No. 2 was given the liberty to withdraw the same. The order dated 27.10.2016 further reveals that Rs. 14,000/- was deposited by the petitioner.

In any view of the matter, since the petition for quashing of the F.I.R has been rejected by this Court with certain



observations, this petition is also being disposed off with a direction that in case the maintenance case has not finally been disposed off, the same may be concluded by the learned Family Court within a period of four months from the date of receipt/production of a copy of this order.

The petition stands disposed off.

(Ashutosh Kumar, J.)

Praveen-II/-

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