

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86972 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Kaimur (Bhabua)

MUNNA PANDEY , aged about 31 years, Gender-Male, Son of Bachau Pandey, Resident of Village - Naugaraha, P.S.- Baburi, Distt.- Chandauli (Uttar Pradesh).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Priyanka Devi, W/o Munna Pandey At Present Resident of Village - Akorhi, P.S.- Mohania, Distt.- Kaimur (Bhabua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil, Adv.
For the Opposite Party/s : Mr.Ram Naresh Ray (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 08-01-2020

Heard learned counsel for the parties.

This application has been filed under Section 482 of the Cr.P.C for quashing the order dated 20.09.2019 passed by learned Principal Judge, Family Court, Kaimur (Bhabua), in Maintenance Case No. 48(M) of 2018, by which learned court below directed the petitioner to pay Rs. 1,500/- per month as ad interim maintenance to the opposite party no.2.

It is submitted by the learned counsel for the petitioner that the learned court below has passed the impugned order without considering the reply of the petitioner and petitioner has already filed Matrimonial Suit 260 of 2018 for



restitution of conjugal rights but the opposite party no. 2 herself did not want to live with the petitioner. It is further submitted that the petitioner has no source of fixed income and as such he is unable to pay the monthly maintenance of Rs. 15,00/- to the opposite party no.2.

Learned counsel for the State submits that there is no illegality in the order as impugned.

Considering the fact that marriage between the parties are admitted and O.P No. 2 -wife has no source of income and unable to maintain herself and petitioner being husband is duty bound to maintain her, the Family Court has granted ad interim maintenance of Rs. 1500/- per month as such this court is not inclined to interfere in the order dated 20.09.2019 passed by learned Principal Judge, Family Court, Kaimur (Bhabua), in Maintenance Case No. 48(M) of 2018, accordingly, this criminal miscellaneous application is dismissed.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	
Transmission Date	

