

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No. 699 of 2021**

Rajesh Kumar Mishra, aged about 38 years S/o Late Mr. Radha Mohan Mishra, resident of Q.No. HIG 2361, Chhattisgarh Housing Board Colony, Industrial East Opposite Red Water Tank, Bhilai, Tehsil and Distt. Durg (C.G.), present Address 53/8, Nehru Nagar East, Bhilai, Tehsil & Distt. Durg (C.G.).

---- Petitioner

Versus

1. Dr. Sapana Rani Mishra W/o Rajesh Kumar Mishra, aged about 34 years,
2. Rigved Mishra, aged about 4 years S/o Mr. Rajesh Kumar Mishra,

Both 1 & 2 are resident of Q. No. 25, F, Street 30, Sector 10, Bhilai, Tehsil and Distt. Durg (C.G.), Respondent No. 2 through Legal Guardian Dr. Sapna Rani Mishra (Mother)

--Respondent

For Petitioner	:	Mr. Raza Ali, Advocate
For Respondent	:	None.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

13/12/2021

1. The instant writ petition under article 227 of the Constitution of India has been preferred seeking direction of this Court for expeditious disposal of the application dated 31/07/2021 filed by the petitioner in pending Case No. 164/2019 before the Family Court, Durg (Dr. Sapna Rani Mishra and another v. Rajesh Kumar Mishra), preferred by the respondent.
2. Facts of the case are that respondent No.1 is wife of the petitioner and respondent No.2 is son of the petitioner. The respondents filed an application under Section 125 of the Cr.P.C for maintenance. The

petitioner marked his presence and filed reply to the said application denying the averments made in the application and made prayer for disentitling respondent No.1 from maintenance. However, he has not disputed the claim for maintenance so far it relates to respondent No.2.

3. Counsel for the petitioner submits that certain false averments have been mentioned in the application by the respondents, therefore, he has filed an application on 31/07/2021 for taking cognizance under Sections 191 and 193 read with 199 of the IPC. The only relief he seeks by way of instant petition is to decide the application dated 31/07/2021 expeditiously in a certain time framed by this Court.
4. I have heard counsel for the petitioner and perused the documents annexed with the petition.
5. Keeping in view the benign provision under Section 125 of the Cr.P.C enacted to ameliorate economic condition of neglected wife and discarded divorcees and to save enumerated persons from vagrancy and destitute, Welfare laws must be so read as to be effective delivery system of salutary objects sought to be served by the legislature.
6. In the instant case, the respondents have filed an application seeking maintenance from the petitioner, to which the petitioner has filed reply to main application as well as interim application. The petitioner has also filed another application in form of objection for taking cognizance on the allegations of false assertion by the respondent but the proceeding is pending for disposal.

7. Taking into consideration the provision of Section 125 of the Cr.P.C, the Family Court, Durg is directed to decide the application under Section 125 of the Cr.P.C for maintenance within six months and the interim application filed by the respondents expeditiously, preferably within one month from the date of receipt of certified copy of this order. The Family Court, Durg is further directed to decide the application dated 31/07/2021 filed by the petitioner for taking cognizance in accordance with law as early as possible.
8. Accordingly, the writ petition is disposed of to the extent indicated above.

Sd/-
(Deepak Kumar Tiwari)
Judge