

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.322 of 2011

Jitendra Kumar Behera ***Petitioner***
versus-
Mamata Behera ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

ORDER

22.03.2022

Order
No.

12.
 1. This matter is taken up through hybrid mode.
 2. This application under Section 482 of Cr.P.C. filed by the Petitioner with a prayer to quash the order dated 18th May, 2010 passed by the learned Sub-Divisional Judicial Magistrate, Talcher in Crl. Misc. Case No.23 of 2009 and the judgment dated 27th November, 2010 passed by the Additional Sessions Judge, Talcher in Criminal Revision No.3 of 2010 confirming the said order. The learned S.D.J.M. vide the impugned order saddled the Petitioner-husband (Opposite Party in the Crl. Misc. Case No.23 of 2009) to pay maintenance @ Rs.5,000/- per month to the Opposite Party-wife (Petitioner in the same proceeding)
 3. Heard.
 4. The Petitioner has challenged the maintenance awarded unsuccessfully in the aforesaid Criminal Revision. Being

aggrieved by the order confirming the same, this Criminal Misc. Case is filed on the ground that the amount awarded is exorbitant one.

5. But considering the facts and circumstances of the case, especially the fact that the income of the Petitioner is Rs.30,000/- per month, I find no illegality and infirmity in the impugned order.

6. Accordingly, the CRLMC stands dismissed.

7. However, it is stated that a talk of compromise is going on between the parties. If that be so, the Petitioner may seek modification of the order by filing an appropriate petition before the S.D.J.M. concerned to demolish the order of maintenance on arrival of any compromise between them.

(S. Pujahari)
Judge

DA