

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49112 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

Mayank Kumar Singh S/o Om Prakash Singh, R/o Village- Rampur Mahaval,
P.O.- Khoripakar, P.S.- Kotwali, Balia, District- Balila U.P..

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-11-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 08.06.2017 passed by the learned Principal Judge, Family Court, Bhojpur at Ara in Maintenance Case 180 of 2014 whereby the learned Family Court by way of ad-interim maintenance has directed the petitioner to pay an amount of Rs. 6000/- per month and Rs. 5000/- as one time litigation cost.

3. Learned counsel for the petitioner next submits that the O.P. No. 02 herein who is wife of the petitioner had instituted the maintenance case being Maintenance Case No. 180 of 2014 in the court of learned Principal Judge, Family



Court at Ara alleging therein that she was married with the petitioner on 10.12.2013 but when she reached her matrimonial home, the family members of her husband including the petitioner started demanding Rs. 2,00,000/- by way of dowry and when the O.P. No. 02 refused to bring the amount the petitioner ousted her from the house. Learned counsel for the petitioner next submits that the O.P. No. 02 had filed a petition dated 09.06.2016 in the Court of learned Principal Judge, Family Court, Bhojpur at Ara, stating therein that petitioner is earning Rs. 1,00,000/- per month from computer center and Rs. 30,000/- per month from rent, as would be evident from Annexure-2 to the present quashing application.

4. Learned counsel for the petitioner next submits that petitioner in reply to the petition dated 09.06.2016, filed by the O.P. No. 02 stated that he had filed a petition under Section 12 of the Hindu Marriage Act in the Court of learned Principal Judge, Family Court, Balia, U.P., being Misc. Case No. 157 of 2014 in which O.P. No. 02 has appeared and has also filed a show cause and the present maintenance case is nothing but an attempt on part of the O.P. No. 02 to coerce the petitioner into submission for withdrawing his petition filed under Section 12 of the Hindu Marriage Act seeking a declaration that the



marriage with the O.P. No. 02 was a nullity.

5. Learned counsel for the petitioner further submits that the O.P. No. 02 was married with the petitioner by portraying that she is a girl with all good attributes when in reality she was burnt from knee to neck and this fact was not disclosed to the petitioner or his family members which came to their notice after marriage. It is next submitted that the learned Principal Judge, Family Court, Balia passed an order dated 27.09.2016 with a direction to pay Rs. 5,000/- per month as litigation cost and Rs. 1,000/- by way of ad interim maintenance, it is next submitted that the petitioner is paying the said maintenance amount.

6. Learned counsel for the petitioner next submits that O.P. No. 02 has already been given ad interim maintenance by the learned principal Judge, Family Court, Balia towards her maintenance which is Rs. 1,000/- per month but this fact was not appreciated by the learned Principal Judge, Family Court, Bhojpur at Ara while ordering ad interim maintenance of Rs. 6,000/-.

7. Learned APP Mr. Chandra Bhushan Prasad vehemently opposes the quashing application filed on behalf of the petitioner. It is next submitted that what is not disputed



rather stands admitted is that there is no averments in the quashing application that petitioner is not earning Rs. 1,00,000/- from Computer Center and Rs. 30,000/- by way of rent. It is further submitted that it absolutely does not stand to reason that whether a woman can sustain herself with Rs. 1000/- per month towards maintenance, it is next submitted that the learned Principal Judge, Family Court, Bhojpur at Ara after going through the pleadings made in the maintenance case and also taking into consideration the averments made therein had directed to pay an ad interim maintenance of Rs. 6,000/- per month to the O.P. No. 02. It is next submitted that the present order is an interim order subject to the final outcome of the case.

8. Learned APP next submits that since in the present quashing application there is no denial of this fact that petitioner is not earning Rs. 1,00,000/- from Computer Center and Rs. 30,000/- from rent, as such, the Court can consider enhancing the maintenance amount.

9. Considering the submission made by the learned APP for the State that since present order is an interim order subject to the final outcome of the case, as such, the Court is not inclined to entertain the present quashing application.

10. Accordingly, the present quashing application



stands rejected.

(Satyavrat Verma, J)

Adnan/-

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