

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.55689 of 2017

Arising Out of PS. Case No.-50 Year-2009 Thana- DOMESTIC VIOLENCE District- Patna

Deepak Sagar S/o Late Rajendra Prasad Barnwal, Resident of Near Kumhrar park, P.S. Agamkuan, District-Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Nisha sagar @ Sangeeta Kumari Singh Wife of Deepak Sagar, Daughter of Narendra Kumar Singh, Flat No. 501, Block-A, bansal Tower, Bhattacharya Road, P.s. Gandhi Maidan, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate

For the Opposite Party/s : Mr.Sri Shailendra Kumar -1, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

7 05-04-2023 Heard learned counsel for the petitioner and learned APP for the State.

This application has been filed for quashing of order dated 13.06.2011 passed by learned Judicial Magistrate-1st Class, Patna for the offences under Section 20 of Protection of Women from Domestic Violence Act 2005 by which learned Magistrate has directed to pay of Rs. 1,25,000/- in lump sum and further Rs. 30,000/- per month to the opposite party no.2 for maintenance. He further prays for quashing of the order dated 06.06.2017 passed by learned Addl. Sessions Judge-VI, Patna by which the learned court below has been pleased to partly allow the appeal by holding that the appellant shall comply the impugned order in respect of all monetary relief granted to the Opposite Party No. 2. He also directed to comply the impugned order within 60 days of the receipt of details and specific demands in writing from the Opposite Party No. 2.



The petitioner is a builder and both the courts below after considering the materials available on record have fixed the amount of maintenance at Rs. 35,000 (Rupees Thirty Five Thousand Only) per month. As yet the petitioner has paid around Rs. 1,50,000 (Rupees One Lakh Fifty Thousand Only) to the opposite party no. 2. It has been submitted by learned counsel for the opposite party no. 2 that she has son also.

Two courts of facts have fixed the maintenance amount after examining the materials available on record. The learned counsel for the petitioner has not been able to point out any illegality in the impugned orders.

In view of the above, this application is dismissed and the petitioner is directed to pay the amount of maintenance forthwith to opposite party no. 2. If the amount is not paid within two weeks from today, the opposite party no. 2 will take all the steps for recovery of maintenance amount in accordance with law.

(Sandeep Kumar, J)

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