

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.629 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Gaya

Sanjay Kumar S/O Kishori Singh, Resident Of Sf-01, Plot No. 316, New Plot No. 3-51 Second Floor, Front Side, Gali No.6, Near Dwarika Mor, Metro Pillar No. 791, Nawada Housing Complex, Uttam Nagar, West Delhi, Delhi-110059

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smita Kumari D/O Ashok Kumar, Resident Of Meena Niwas, Cotton Mill, Balaji Nagar, Road No. 6, Ps. Delha, Dist. Gaya-8523002 (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate Mr. Anuj Kumar, Advocate
For the O.P. No. 2	:	Mr. Anshul Aaryan, Advocate Mr. Aditya Raj Singh, Advocate
For the State	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

13 04-02-2025 The petitioner is the husband of O.P. No. 2. The O.P. No. 2 filed an application under Section 125 of the CrPC praying for maintenance from the petitioner in the Family Court at Gaya, which was registered as Misc. Case No. 29 of 2020.

2. By an order dated 02nd August 2023, the learned Principal Judge, Family Court, disposed of the said application under Section 5 of the Limitation Act, directing the petitioner to pay maintenance at the rate of Rs. 12,000/- per month to his wife/O.P. No. 2 and Rs. 4,000/- to their minor child, totaling Rs. 16,000/-. The petitioner has challenged the said order by filing



the instant revision application.

3. It is not in dispute that O.P. No. 2 is the legally married wife of the petitioner. It is also not in dispute that O.P. No. 2 has been residing at her paternal home along with the minor child of the parties as the petitioner refused and neglected to maintain her. It is submitted on behalf of the O.P. No. 2 that the marriage of the petitioner with her was solemnized on 21st June 2010. On 18th July 2013, O.P. No. 2 was diagnosed with heart disease; at that point of time, she was pregnant; however, without her knowledge, her pregnancy was terminated by the petitioner, administering some medicine. For the said issue, a matrimonial dispute cropped up between the parties. The father of O.P. No. 2 went to Delhi and brought O.P. No. 2 to his house. Thereafter, the matrimonial dispute was settled. The petitioner and O.P. No. 2 lived together for some time. In the meantime, she gave birth to a female child. The petitioner has vehemently objected the allegation that he caught O.P. No. 2's termination of pregnancy by administering medicine. It is contended by him that the first pregnancy of the opposite party was automatically terminated, and thereafter the parties were blessed with one female child. Be that as it may. The O.P. No. 2 has been residing with their minor child at her paternal home. On the contrary, the



petitioner has been residing in Delhi and working as an assistant clerk in the Department of Finance, Government of India. It is frankly admitted by the learned Advocate for the petitioner that at present, the petitioner earns Rs. 75,000/- per month.

4. The learned Advocate for the petitioner submits that he still wants to reside with the O.P. No. 2 and their minor child, but O.P. No. 2, without any reason, left his association.

5. In view of such circumstances, the instant revision be sent to the Patna High Court Mediation Center for settlement to see as to whether the parties can live together.

6. If the mediation fails, the impugned order passed by the learned Principal Judge, Family Court at Gaya in Misc. Case No. 29 of 2020 would prevail, and the petitioner shall go on paying maintenance at the rate of Rs. 16,000/- per month, according to the English calendar month, to the O.P. No. 2 for her and their minor child's maintenance.

7. The instant criminal revision is thus disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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