2026:AHC:212819

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 42406 of 2026

Hriday Narayan Chauhan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Jagadish Prasad Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. This application under Section 482 Cr.P.C./ **528 BNSS** has been filed by the applicant to quash the order dated 02.09.2026 passed by Addl. Principal Judge, Family Court, Court No. 2, Azamgarh in Case No. 171 of 2025 (Neha and others Vs Hriday Narayan Chauhan) under Section 144 BNSS, P.S. Nizamabad, District Azamgarh pending in the Court of learned Addl. Principal Judge, Family Court, Room No. 2, Azamgarh.

3. Learned counsel for the applicant submitted that instant petition has challenged the order dated 02.09.2026 by which Additional Principal Judge, Family Court, Court No. 2 Azamgarh has allowed Rs. 2,000/- pm to the wife and Rs. 1,000/- pm each to the minor children as interim maintenance on the interim maintenance application of opposite party no. 2 filed under Section 144 BNSS. He further submitted that while allowing interim maintenance application, court below has not considered the status and income of the applicant and has allowed excessive interim maintenance. The Addl. Principal Judge, Family Court, Court No. 2, Azamgarh in arbitrary manner and without application of judicial mind passed the impugned order. The impugned order is wholly illegal and abuse of process of law.

4. *Per contra,* learned AGA submitted that order passed by Family Court is just and proper and considered the income of the applicant.

5. Considered the argument raised by applicant's counsel and perused the record, it is evident that interim maintenance application and proceedings U/s 144 BNSS is pending and final verdict is yet to come, hence, no interference is warranted at this stage. The applicant can raise his objection before the court below, which has been raised before this Hon'ble Court. The trial court is hereby directed to decide the proceedings U/s 125 Cr.P.C./144 BNSS after considering objection of the applicant expeditiously, in accordance with law within a period of five months from the date of filing of application along with certified copy of this order.

6. With the above directions, this application is **disposed of** finally.

October 9, 2026
RavindraKSingh

(Deepak Verma,J.)

Digitally signed by :-
RAVINDRA KUMAR SINGH
High Court of Judicature at Allahabad