**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 47442 of 2026**

Amit Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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Counsel for Applicant(s) : Arvind Prabodh Dubey, Tanuj Shahi
Counsel for Opposite Party(s) : G.A.

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**Court No. - 72**

**HON'BLE DEEPAK VERMA, J.**

1. Heard learned counsel for the applicant; Sri Vishwa Deepak Mishra, learned AGA for the State and perused the record.

2. The present application has been filed with a prayer to quash the order dated 12.08.2026 passed by the Principal Judge, Family Court, Gautam Budh Nagar, in Misc. Case No. 886 of 2025 (Amit Kumar Vs. Smt. Minakshi and others) filed under section 125 of Cr.P.C. and restore the Misc. Case No. 886 of 2025 (Amit Kumar Vs. Smt. Minakshi and others).

3. Learned counsel for the applicant submits that opposite party no. 2 is legally wedded wife and opposite parties no. 3 and 4 are minor daughters of applicant and on account of matrimonial dispute, opposite party no. 2 filed an application under Section 125 Cr.P.C. which was decided *ex parte* vide order dated 03.07.2025 and the applicant was directed to pay Rs.20,000/- to opposite party no.2 and Rs.10,000/- each to minor children per month (total Rs.40,000/-). Counsel for the applicant next submits that after getting knowledge in regard to the *ex-parte* order dated 03.07.2025, filed application under Section 126 (2) Cr.P.C. for recalling the *ex parte* order dated 03.07.2025 on various grounds with Section 5 application. Thereafter, dates were fixed in the application moved on behalf of applicant. Counsel for the applicant could not appear on the date fixed on 12.08.2026 and the Principal Judge Family Court dismissed the application on account of non appearance of the counsel/applicant.

4. Learned A.G.A. has vehemently opposed the prayer for quashing the

proceedings of the aforesaid case and has submitted that the order do not suffer from any illegality or infirmity.

5. Considered the argument raised by counsel for the parties and perused the record. In the interest of justice, the applicant should be given chance of hearing so that proceeding be decided on merit after hearing both the parties. In view of that the order dated 12.08.2026 is, hereby, set aside with direction that the applicant shall appear on 04.11.2026 before the concerned court. The Principal Judge, Family Court, Gautam Budh Nagar is directed to hear the application of applicant under section 126 (2) Cr.P.C and decide the same after hearing both the parties, in accordance with law, within a period of six weeks.

6. The present application is, accordingly, **disposed off**.

**(Deepak Verma,J.)**

**October 28, 2026**
Meenu Singh

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