2026:AHC:209813

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 47930 of 2025

Rajeev Kumar

.....Applicant(s)

Versus

State of U.P. and another

.....Opposite Party(s)

Along with :

1. **Application U/s 482 No. 7568 of 2017:**
   Rajeev Kumar
   Versus
   State of U.P.and another

Counsel for Applicant(s) : Satish Chandra Tiwari
Counsel for Opposite Party(s) : G.A., Sanjive Kumar Gupta

Court No. - 78

HON'BLE SANDEEP JAIN, J.

1. By order dated 19.05.2026, the Principal Judge, Family Court, Badaun, was directed to submit a report as to whether a sum of Rs.1,43,000/- had been deposited by the opposite party, namely, Rajeev Kumar, and received by Smt. Ratnesh Kumari in Criminal Misc. Case No. 1263 of 2024 (Ratnesh Kumari vs. Rajeev Kumar), pending before the Principal Judge, Family Court, Badaun.

2. In compliance with the aforesaid order, the Principal Judge, Family Court, Badaun, has submitted his report dated 27.05.2026. The report discloses that Criminal Misc. Case No. 1263 of 2024, instituted by Smt. Ratnesh Kumari under Section 147 of the BNSS for recovery of a sum of Rs.1,43,000/- towards arrears of maintenance from her husband, Rajeev Kumar, has been disposed of on 14.03.2026. It is further disclosed that the husband has deposited the entire amount of Rs.1,43,000/-, which has been received by the wife, and the proceedings have accordingly been disposed of in full satisfaction.

3. The background of the dispute is that the wife, Smt. Ratnesh Kumari, had instituted proceedings against Rajeev Kumar under Section 125 Cr.P.C., wherein she was awarded maintenance at the rate of Rs.3,500/- per month by order dated 04.06.2015 passed by the Principal Judge, Family Court, Badaun. As the said order was not complied with, the wife instituted proceedings under Section 125(3) Cr.P.C., being Misc. Case No. 909 of 2015 (Ratnesh Kumari

vs. Rajeev Kumar), wherein recovery warrants were issued against the husband by order dated 12.01.2017. Aggrieved by the said order, the husband approached this Court by filing an application under Section 482 Cr.P.C., being Application under Section 482 No. 7568 of 2017.

4. Subsequently, as the husband failed to pay the arrears of maintenance, the wife instituted Criminal Misc. Case No. 1263 of 2024 under Section 147 of the BNSS for recovery of a sum of Rs.1,43,000/-. In the said proceedings, the Principal Judge, Family Court, Badaun, issued recovery warrants against the husband by order dated 13.02.2025. Since the husband failed to pay the said amount despite the aforesaid order, recovery warrants were, by order dated 03.11.2025, issued to the Collector/District Magistrate for recovery of the said amount from the agricultural land of the husband. The aforesaid orders dated 13.02.2025 and 03.11.2025 have been challenged by the husband by filing an application under Section 528 of the BNSS, being Application No. 47930 of 2025.

5. It is apparent from the report submitted by the Principal Judge, Family Court, Badaun, that in Criminal Misc. Case No. 1263 of 2024, instituted under Section 147 of the BNSS, the husband has deposited the entire amount of Rs.1,43,000/-, which has also been received by the wife. Consequently, the said proceedings have been disposed of on 14.03.2026 in full satisfaction.

6. In view of the aforesaid facts and circumstances, it is evident that the husband has paid the entire amount of maintenance claimed by the wife. Consequently, nothing further remains to be adjudicated in the present proceedings.

7. Accordingly, both Application under Section 482 No. 7568 of 2017 and Application under Section 528 of the BNSS No. 47930 of 2025 are dismissed as having become infructuous.

October 7, 2026
Mayank

(Sandeep Jain,J.)

Digitally signed by :-
MAYANK KUMAR SHARMA
High Court of Judicature at Allahabad