



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6198 of 2026

Mahendra Chandra Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Furquan Ahmad (Alvi)
Counsel for Opposite Party(s) : G.A.

Court No. - 82

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present application has been filed for setting aside the order dated 28.10.2024 passed by learned Principal judge, Family Court, Azamgarh in Case No. 42 of 2022 (Sangeeta Vs. Mahendra Chandra) under Section 125 Cr.P.C., whereby application under Section 125 Cr.P.C., filed by the opposite party no.2 has been allowed and the applicant has been directed to pay Rs. 6000/- per month as maintenance from the date of order.
3. Learned counsel for the applicant submits that monthly maintenance of Rs. 6,000/- per month has been awarded from the date of application in favour of the opposite party no.2 without considering the income of the applicant. Learned counsel for the applicant further submits that the opposite party no.2 has deserted the applicant and that the applicant tried his level best to bring her back but all in vain. He further submits that the opposite party no.2 instead of living with the applicant, had filed an application under Section 125 Cr.P.C. which has been allowed by the learned Family Court vide impugned Judgement and order by which, the applicant was directed to pay exorbitant amount of maintenance to the private opposite party without considering the income of the applicant. Learned counsel further submits that the impugned order is illegal and is liable to be quashed by this Court.
4. Learned A.G.A. for the State has argued that the impugned Judgement and order is perfectly legal, just and proper and calls for no interference by this Court.
5. Learned counsel for the applicant further submits that the applicant the

applicant is ready to pay Rs. 3 lacs out of the due amount towards arrears of the maintenance as has been awarded by the learned Family Court and he also agrees to pay monthly maintenance amount to opposite party no.2 as awarded, provided some indulgence may be granted.

6. Considering the submissions advanced by learned counsel for the applicant, it is provided that no coercive action shall be taken against the applicant subject to deposit of Rs. 3 lacs in 12 equal monthly instalments i.e. Rs. 50,000/- per month before the concerned Family Court, which amount shall be paid by 7th of each calendar month starting from May, 2026. Apart from the aforesaid, the applicant shall continue to pay the monthly maintenance amount as awarded by the Court below by 07th of each calendar month starting from May, 2026.

7. The amount so deposited by the applicant shall be paid over to the opposite party no.2 after due verification by the concerned Court.

8. In case, the applicant deposits the aforesaid amount within the aforesaid period, no coercive action shall be taken against him.

9. It goes without saying that in case, the applicant fails to deposit the aforesaid amount within the time specified above or fails to comply with any part of this order or fails to deposit before the concerned Court on the date fixed except with prior permission of the Court, the protection granted by this Court shall automatically stand vacated and the Court below will be at liberty to proceed against the applicant in accordance with law.

10. Issue notice to the opposite party no.2 returnable by the next date fixed. Steps be taken within a week...

11. Opposite parties may file their counter affidavits within four weeks. Rejoinder affidavit may be filed within two weeks thereafter.

12. List on 02.07.2026 on which affidavit of compliance be filed by learned counsel for the applicant.

(Dr. Gautam Chowdhary,J.)

April 17, 2026
S.Ali