

Court No. - 87

Case :- APPLICATION U/S 482 No. - 31994 of 2024

Applicant :- Ashish

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Dhiraj Kumar Pandey

Counsel for Opposite Party :- Santosh Kumar Singh,G.A.

Hon'ble Prashant Kumar,J.

1. Heard Shri D.K. Pandey, learned counsel for the applicant, Shri Santosh Kumar Singh, learned counsel for opposite party no.2 and perused the record.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of judgement and order dated 18.03.2023 passed by Principal Judge/Family Court, Saharanpur in Case No.1766 of 2022 (Smt. Pooja v. Ashish), under section 125 Cr.P.C, P.S. Kotwali Dehat, District Saharanpur.

3. Learned counsel for the applicants submits that the marriage of the applicant and opposite party no.2 was solemnized on 18.02.2020 according to Hindu rites and rituals, thereafter, due to matrimonial discord opposite party no.2 filed a case under section 125 Cr.P.C. in which settlement was arrived between the parties that the applicant will pay Rs.8.5 lac as one time settlement to opposite party no.2. Acting upon the settlement, the applicant had paid Rs.4.25 lac (half amount) to opposite party no.2, which is not in dispute. After taking Rs.4.25 lac, opposite party no.2 turned around and started claiming maintenance and the Family Court without considering the fact that the applicant has already paid Rs.4.25 lac, has granted interim maintenance of Rs.3000/- per month to opposite party no.2.

4. Per contra, learned counsel for opposite party no.2 submits that the impugned order granting interim maintenance to the wife is justified, although he has not disputed the fact that the applicant has already paid Rs.4.25 lac to opposite party no.2 as per settlement.

5. Matter requires consideration.

6. The opposite party no.2 is granted four weeks time to file counter affidavit. Two weeks, thereafter, to the applicant to file rejoinder affidavit.

7. List this matter on 18.07.2025.

8. Till the next date of listing, the impugned order dated 18.03.2023 as well as entire proceeding arising out of Case No.1766 of 2022 (Smt. Pooja v. Ashish), under section 125 Cr.P.C, P.S. Kotwali Dehat, District Saharanpur shall be kept in abeyance.

Order Date :- 5.5.2025

S.P.