

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.1347 of 2011

ORDER:

This Criminal Petition is filed questioning the correctness of the order of the learned Judicial Magistrate of First Class, Asifabad, Adilabad District, dated 12.01.2011 passed in Crl.M.P.No.2 of 2011 in D.V.C.No.6 of 2010.

Brief facts of the case are that the petitioner herein worked as Mazdoor in the Western Coal Fields Limited, Chandrapur and was retired from service on 31.01.2011. Respondent No.5 was the first legally wedded wife of the petitioner and in the year 1972 he divorced her and performed second marriage with the 1st respondent herein and during their wedlock they blessed with a son and daughter (2nd respondent herein). It is stated that when the petitioner refused to give terminal benefits, respondents 1 and 2 herein filed D.V.C.No.06 of 2010 against the petitioner and respondent No.5 herein with false and baseless allegations. Along with the said D.V.C., they filed Crl.M.P.No.02 of 2011 seeking interim direction to the 3rd respondent herein to withhold all monetary and terminal benefits of the petitioner herein. The trial Court by order dated 12.01.2011 allowed the said petition directing the employer of the petitioner to stop the terminal benefits of the petitioner until further orders. Questioning the said prohibitory orders, the petitioner herein filed the present petition.

This Court, on 14.02.2011, while admitting the Criminal Petition, granted interim stay of operation of the impugned order. It is not known as to whether the terminal benefits of the petitioner have been paid or not. The fact remains that there is no order as such at present to withhold the terminal benefits payable to the petitioner. Therefore, this Court is of the view that no further orders need be

passed in this petition.

Accordingly, the Criminal Petition is dismissed. However, the Judicial Magistrate of First Class, Asifabad, is directed to dispose of D.V.C.No.06 of 2010, if pending, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

24-07-2015

Gsn