

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

Criminal Petition No. 6689 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. seeking to quash the order dt. 09.03.2011 passed in Crl.R.P.46 of 2010 on the file of the III Additional District & Sessions Judge, (Fast Tract Court) at Medak.

2. The petitioner herein is the husband of the 2nd Respondent and the 3rd Respondent is their daughter. There is no dispute in so far as their relationship is concerned. The Respondents 2 and 3 filed M.C.No.1 of 2008 on the file of the First Class Magistrate, Andole at Jogipet, claiming maintenance of Rs.3000/- each per month. After full-fledged trial, the learned Magistrate by his order dt.03.09.2010 awarded a maintenance of Rs.2,000/- each per month. Aggrieved by the same, the petitioner/husband has preferred Crl.R.P.No.46 of 2010 before the Additional District & Sessions Judge, Medak. By the impugned order, the learned Additional District & Sessions Judge has dismissed the revision and confirmed the maintenance as awarded by the learned Magistrate. Hence, the present criminal petition.

3. The learned counsel for the Revision Petitioner submits that the petitioner has no permanent employment, who is a tailor by profession and earning an amount of Rs.10,000/- per month only. Further, the petitioner has to maintain his mother, grand mother and to perform his sister's marriage. Therefore, the petitioner is not in a position to pay the maintenance at the rate of Rs.2,000/- each to both the respondents, out of his meager income.

4. On the other hand, the learned counsel appearing for the 2nd and 3rd respondents submits that the amount of Rs.2,000/- each, which is awarded by the Courts below, by itself is the small amount and hardly sufficient for their maintenance, more particularly, as the 3rd respondent is a school going girl. Further, the petitioner is working in a cement factory at Thandur and is said to be drawing an amount of Rs.20,000/- per month. Therefore, the learned counsel sought for dismissal of the present criminal petition.

5. Heard both the learned counsel and considered the material on record.

6. Both the Courts, after taking into consideration all the facts and circumstances, determined the quantum of maintenance at Rs.2,000/- per month for each of the respondents. By no stretch of imagination, it can be said that the said amount of Rs.2,000/- each per month is excessive or exorbitant. Taking into consideration the present day cost of living, the said amount of Rs.2,000/- per month to each of the respondents is just and reasonable and there is no need for interference of this Court. Hence, there are no merits in the present petition and the same is liable to be dismissed.

7. The criminal petition is accordingly dismissed. Consequently, the pending miscellaneous applications, if any, shall stand closed.

M.S.K.JAISWAL,J

Date: 30.09.2015

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