

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* * * *

Crl.P. No.6984 of 2015

Between:

Tata hari Krishna

.. Petitioner/ respondent

And

The State of Andhra Pradesh
Rep by its Public Prosecutor, High Court,
Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 05-08-2015

SUBMITTED FOR APPROVAL:

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA
RAO**

1. Whether Reporters of Local newspapers
Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be
marked to Law Reporters/Journals

Yes/No

3. Whether Their Lordship wish to
see the fair copy of the Judgment?

Yes/No

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6984 of 2015

ORDER:

This Criminal Petition is filed by the Petitioner under Section 482 Cr.P.C seeking to quash the proceedings in M.C. No.152 of 2014 on the file of Family Court-cum-IV Additional District & Sessions Judge, Krishna at Vijayawada under Section 125 Cr.P.C filed by the 2nd respondent herein.

2) Heard learned counsel for the petitioner—respondent in M.C. No.152 of 2014 and the 2nd respondent—petitioner in M.C. No.152 of 2015 before admission and before ordering notice to 2nd respondent—de facto complainant. Perused the material on record.

3) The 2nd respondent, who is the wife of petitioner herein filed M.C. No.152 of 2014 on the file of Family Court-cum-IV Additional District & Sessions Judge, Krishna at Vijayawada, for maintenance. It is the contention of the learned counsel for the petitioner that the very maintenance is not maintainable. The relationship between the parties is not in dispute but for to say earlier there was memorandum of understanding between the couple under which vide Memorandum of Understanding (MOU) dated 17.07.2012 they arrived for a settlement of Rs.15 lakhs to be paid including for permanent alimony to the wife life long and out of which, he paid Rs.5,00,000/- by way of cheque bearing No.140301 dated 16.07.2012 and the remaining Rs.10,00,000/- is to be kept in joint account to permit her to withdraw subject to filing of a consent divorce application and its granting.

4) It is his submission that she did not come forward for filing consent divorce application. Later, she filed application before the Legal Services Authority to permit her to withdraw an amount of Rs.10 lakhs which was lying in joint fixed deposit and now again she filed M.C for maintenance under Section 125 Cr.P.C and it is also his submission that he filed O.P. No.666 of 2012 for divorce before the Judge, Family Court, Vijayawada. Pending disposal of O.P, she filed

O.P No.45 of 2013 restitution of conjugal rights and the same is also pending before the Family Court, Vijayawada.

5) In the factual scenario, this Court cannot say for admitting the application of maintenance proceedings under Section 125 Cr.P.C not maintainable but for to say his contest from the Memorandum of understanding that she received Rs.5,00,000/-, whether it is suffice as per his means to the standard of her living or she is entitled to any additional sum that is to be decided only on merits.

6) With that observation, the Criminal Petition is dismissed for no grounds to admit.

7) Consequently, miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:05.08.2015
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HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

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CRIMINAL PETITION No. 6984 of 2015

Date: 05.08.2015

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