

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

CRIMINAL PETITION No.10560 of 2010

ORDER:

This criminal revision case is filed by the petitioner, who is the respondent in M.C.No.12 of 2010 on the file of the Judicial First Class Magistrate, Siddipet, seeking to quash the proceedings in the said maintenance case.

2. The 2nd respondent herein filed the above M.C., claiming maintenance. The petitioner is the husband. Their marriage was solemnized on 15.02.2009 at Ponala village of Siddipet Mandal, Medak District. The contention of the petitioner/husband is that after the marriage, after having lived with him for few days, the 2nd respondent/wife has went away with the 3rd respondent – Venu, and having stayed with him for three days, she returned back, and the matter was reported to the police for her missing, and a crime was registered to that extent by the S.R.Nagar Police.

3. It is submitted by the learned counsel for the petitioner that the parties have taken mutual divorce, and the Senior Civil Judge, Siddipet has granted divorce to the parties. However, after the marriage of the 2nd respondent/wife with the 3rd respondent herein was performed at their own wish and will, the 2nd respondent has filed the above maintenance case only to harass the petitioner. Therefore, the learned counsel sought for quashing of the proceedings of the above maintenance case.

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

5. Even though all the contentions raised by the petitioner, and argued by the learned counsel for the petitioner are accepted as true, quashing of the proceedings of a maintenance case under Sec.482 Cr.P.C., does not arise. The proceedings initiated under Sec.125 Cr.P.C., cannot be said to be a criminal prosecution, so as to attract the provisions of Sec.482 Cr.P.C. It is always open to the petitioner to raise all the objections raised in this petition before the learned Magistrate in the maintenance case, and the learned Magistrate shall consider all the objections so raised while disposing of the maintenance case. All the contentions now raised can be agitated before the Magistrate, where the main case is pending.

6. With the above observation, the criminal petition is dismissed. However, the learned Magistrate is directed to dispose of the maintenance case within three months from the date of receipt of this order. Consequently, pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 18.09.2015
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ORDER

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