

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

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**CRIMINAL PETITION No.6903 of 2015**

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Between:

Ayyala Reddy Venkata Babu @ A.R.Venkat Babu

..Petitioner

And

The State of Andhra Pradesh  
represented by its Public Prosecutor  
High Court at Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 03-08-2015

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

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

**CRIMINAL PETITION No.6903 of 2015**

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**ORDER :**

This Criminal Petition is filed by the Petitioner under Section 482

Cr.P.C seeking to quash the order dated 19.06.2015 passed in CrI.P.M.P. No.20 of 2015 in C.C. No.37 of 2013 on the file of V Additional District Judge, Tirupati, Chittoor District.

2) Heard learned counsel for the petitioner and 1<sup>st</sup> respondent —State before admission and before ordering notice to 2<sup>nd</sup> respondent— de facto complainant. Perused the material on record.

3) The petitioner is the husband and respondent in M.C. No.37 of 2013 filed by his wife claiming maintenance under Section 125 Cr.P.C. CrI.P.M.P. No.20 of 2015 was filed by the petitioner herein to dismiss the maintenance claim in main petition with the contention that there are DVC proceedings, proceedings under Section 498-A IPC and Sections 3 & 4 of D.P Act apart from that she is an employee and drawing handsome salary and not entitled to maintenance.

4) It is the settled law that the DVC proceedings is not a bar for Section 125 Cr.P.C proceedings vis-à-vis but for the specific provision under DVC Act, 2005 of any maintenance granted either by Civil or Criminal Court was also be taken into consideration in the case of maintenance claimed or other reliefs under the DVC Act.

5) The core issue is the MC proceedings whether to be dismissed from the contention of the respondent's wife got means? Since the relationship is not in dispute and when the wife claims that she has no means for entitlement of maintenance, it is the burden of the respondent-husband if at all he wants to say she got sufficient means. It is the matter to decide during enquiry in the summary proceedings. Thereby, the impugned order passed by the learned Judge, Family Court, no way requires interference but for to dispose of with observation that the trial Court shall make every endeavour to see the possibility of amicable settlement. Hence the learned Judge, Family Court may consider any amicable settlement as per the spirit of Family Courts Act and if efforts not fruitful for settlement, to give preferential disposal on merits of the matter.

- 6) Accordingly, the Criminal Petition is disposed of.
- 7) Miscellaneous petitions, if any pending, shall stand closed.

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**Dr. B. SIVA SANKARA RAO, J**

**Dt.03.08.2015**  
Knl

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

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**CRIMINAL PETITION No.6903 of 2015**

Date:03.08.2015

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