

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**CRIMINAL APPLICATION ( MAIN ) NO. 13 OF 2016**

SHRI.ANDREW PEREIRA. ... Applicant  
Versus  
MRS.CHRISTINA PEREIRA AND ANR., ... Respondents

Adv. Richard Almeida for the applicant.

Coram:- C. V. BHADANG, J.

Date:- 14th June, 2016

P.C.:

Heard for some time. The learned counsel for the applicant, on instructions, seeks permission to withdraw the application. However, he submits that the question of validity of marriage raised by the applicant is to be left open. The learned counsel has pointed out the observations of the learned Magistrate in para 19 of the impugned order in which the learned Magistrate has observed that as per the procedural law applicable to the State of Goa, the previous marriage makes subsequent marriage as voidable and not void and therefore, unless and until the marriage is declared as void by the Court of competent jurisdiction it shall be treated as subsisting and valid.

2. It is obvious that the observations at the stage of deciding an application for interim maintenance are of a prima facie nature and the learned Magistrate will have to go into this question when the main application under section 12 of the Domestic Violence Act is

taken up for consideration. With this the criminal application is disposed of as withdrawn.

C. V. BHADANG, J.

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