

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4953 OF 2016

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ORDER:

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This petition is filed by the petitioner under Section 482 Cr.P.C. seeking to quash the order dated 31.3.2016 passed by the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge-cum-IX Additional Metropolitan Sessions Judge, Hyderabad, in CrI.M.P.No.689 of 2016 in M.C.No.188 of 2012.

The 2nd respondent filed the above M.C. claiming maintenance. During the pendency of the above M.C., the petitioner filed the above CrI.M.P. seeking to issue summons to the witness, Government Qazi on the ground that he has pronounced divorce to his wife, whereas the 2nd respondent denied the pronouncement of divorce. The trial Court dismissed the above CrI.M.P. Hence, the petitioner approached this Court.

Heard and perused the material available on record.

In the order, the trial Court observed that the pronouncement of divorce is not a question of fact in M.C. and even a divorcee is entitled to claim maintenance till she gets remarriage. This Court is of the view that the order of the trial Court is in accordance with law and the same does not warrant any interference by this Court.

Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Date : 11.4.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 11.4.2016

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