

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3630 of 2016

ORDER:

This Criminal Petition is filed by the petitioner-respondent, under Section 482 Cr.P.C., seeking to quash order, dated 03.02.2016, in CrI.M.P. No.148 of 2015 in MC No.26 of 2014 passed by the V Additional Sessions Judge, Tirupati, Chittoor District.

Heard and perused the material available on record.

The respondent filed the impugned application before the Court below seeking to set aside the *ex parte* orders of maintenance passed against him on 03.08.2015 in MC No.26 of 2014. The Court below allowed the said application by imposing the following conditions:

“In the result, the petition is allowed on condition that the petitioner shall deposit a sum of Rs.50,000/- towards arrears of maintenance on or before 03.03.2016 and he shall continue to deposit maintenance of Rs.5,000/- per month or before 10th of every month and failing which the petition shall stand dismissed.”

Learned counsel for the petitioner submitted that the petitioner is suffering with liver disease and he is taking treatment for the same and presently he is not working anywhere and he is not able to pay the arrears of maintenance and also the monthly maintenance and therefore, the order passed by the Court below may be set aside to the extent of deposit of arrears of maintenance and the monthly maintenance.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, this Criminal Petition is disposed of modifying the impugned order as follows:

The petitioner is directed to deposit Rs.20,000/- (Rupees twenty thousand only) towards arrears of maintenance, within a period of four weeks from the date of receipt of a copy of this order. The other conditions in order, dated 03.02.2016, in CrI.M.P. No.148 of 2015 in M.C. No.26 of 2014 passed by the V Additional Sessions Judge, Tirupathi, Chittoor District, are not interfered with.

Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 17, 2016.
CTL