

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6443 OF 2016

ORDER:

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This Criminal Petition is filed by the petitioner/respondent seeking to quash the docket order, dated 6.4.2016, in Crl.M.P.No.1198 of 2015 in M.C.No.123 of 2015 on the file of the Judge, Family Court, Vijayawada, Krishna District.

2. Respondent Nos.1 and 2 are the wife and son of the petitioner respectively. They filed M.C.No.123 of 2015 before the Court below seeking maintenance. They filed Crl.M.P.No.1198 of 2015 before the Court below against the petitioner for issuance of warrant directing him to pay Rs.60,000/- to respondent Nos.1 and 2 herein towards arrears of monthly maintenance i.e., from 26.5.2015 to 25.11.2015 and future monthly maintenance granted to them by the Court below and in case of his failure to pay the arrears of maintenance, issue distress warrant and to sentence him to imprisonment. *Vide* impugned order, the Court below ordered to commit the petitioner herein to civil prison for a period of 20 days for each month default totaling 4 months or until payment of arrears amount whichever is earlier, and posted the matter to 2.5.2016. Aggrieved by the same, the present petition is filed.

3. Heard and perused the material available on record.

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4. Considering the facts and circumstances of the case, this Criminal Petition is disposed of as follows:

The petitioner is directed to pay Rs.20,000/- towards arrears of monthly maintenance before the Court below on or before 13.5.2016 and on such deposit, the learned Magistrate shall release him. On failure to deposit the said amount, the Court below is at liberty to take appropriate action. Further, after release, the petitioner is directed to

file an application to set aside the impugned order and on such application, the Court below shall dispose of the same in accordance with law within a period of three (3) months. Till disposal of the said application, the operation of the impugned order is suspended.

5. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

27.4.2016
AMD

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