

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 12861 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in FCMC No.6 of 2016 pending adjudication on the file of the learned Family Judge, Karimangar.

Heard the learned counsel appearing for the petitioner, and the learned Additional Public Prosecutor, representing the State. Perused the material on record.

It is alleged that the petitioner married one Shahana Azmi on 23.4.2009 as per Muslim custom and during their two years of wedlock, they were blessed with two daughters, namely, Zoha and Zubia, second respondent herein. After two years of marriage, disputes arose in between them, as a result of which, the petitioner took divorce from his wife as per Muslim custom. It is submitted that the wife of the petitioner-Shahana filed DVC No. 28 of 2013 on the file of Mobile Court, Karimangar. In the said DVC, the said Shahana also filed Criminal Miscellaneous petition No. 1966 of 2013 seeking interim maintenance at the rate of Rs.6000/- per month and the trial Court by order dated 2.7.2014 disposed of the same granting interim maintenance at Rs.1000/- per month; and that pending considering the of the said DVC, the said Sahana filed another case in DVC No. 6 of 2015 before the learned Additional Judicial First Class Magistrate, Karimnagar on behalf of the second daughter. It is further alleged that both the matters, i.e. DVC.Nos. 28 of 2013 and 6 of 2015 were settled out

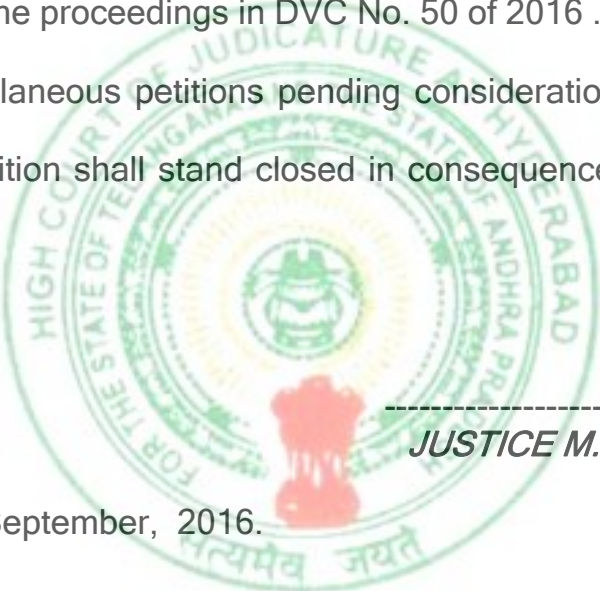
of Court and Counsel of Shahana filed a Memo before the Court of Additional Judicial First Class Magistrate, Karimnagar in regard thereto and in terms of the said compromise, the said Shahana collected Mehar and Iddath amounts from the Qazath, Hyderabad on 27.07.2015. It is further alleged that in the year 2016, the wife of the petitioner, Shahana, filed one more case in DVC No. 50 of 2016 before the learned Additional Judicial First Class Magistrate, Karimnagar on behalf of her second daughter. She also filed FCMC No. 6 of 2016 before the learned Family Judge, Karimnagar. It is the case of the petitioner that as the said Shahana already received the Mehar and Iddath amounts from him on 27.7.2015 in terms of the compromise entered into in the cases in DVC.NO. 28 of 2013 and DVC No.6 of 2015, need not to pay any amount to said Shahana.

Inasmuch as it is stated that the petitioner had already paid the Mehar and Iddath amounts to his wife-Shahana in terms of the compromise entered into in the cases in DVC No.28 of 2013 and DVC No. 6 of 2016, it is for the petitioner to file a Memo in the Court where FCMC No. 6 of 2016 is pending adjudication. This Court is not supposed to make a roving enquiry into the allegations made in the aforesaid FCMC. In view of the same, it is not just and appropriate to quash the proceedings in FCMC No. 6 of 2016 at this stage.

Considering the facts and circumstances of the case and as requested by the learned counsel for the petitioner, the Criminal

Petition is disposed of, directing the Court below to consider and dispose of FCMC No. 6 of 2016 as expeditiously as possible, taking into consideration the order dated 02.07.2014 passed by the Judicial Magistrate of First Class Magistrate, (Special Mobile) Karimangar in CrI.M.P.No.1966 of 2013 in DVC No.28 of 2013 and as also Memo filed before the learned Additional Judicial First Class Magistrate, Karimangar, stating about receiving of Mehar and Iddath amounts by the said Shahana from the petitioner in terms of the Compromise, which, as a matter of fact, culminated the proceedings in DVC No. 50 of 2016 .

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.



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**JUSTICE M.S.K. JAISWAL**

DATED 9<sup>th</sup> September, 2016.  
Msnrx