THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2943 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners seeking a direction to the Court of the Additional Judicial Magistrate of First Class, Peddapuram, East Godavari District to forthwith dispose of Crl.M.P.No.709 of 2015 along with Crl.M.P. No.3072 of 2012 in M.C. No.30 of 2011 field by the petitioners.

Heard and perused the material available on record.

The petitioners are the wife and son of the 2nd respondent. The petitioners filed M.C. No.30 of 2011 seeking maintenance from the 2nd respondent. Subsequently, they entered into a compromise before the Lok Adalat on 22.09.2011 and according to the Award passed by the Lok Adalt, the 2nd respondent has to pay maintenance at Rs.1,000/- to the 1st petitioner till her re-marriage and Rs.1,000/- to the 2nd respondent till he attains majority. But, the 2nd respondent paid maintenance upto May 2013 only and thereafter, he did not pay the same. Hence, the petitioners filed Enforcement Petition vide Crl.M.P. No.3072 of 2012 for grant of arrears of maintenance. Thereafter, the 2nd respondent filed Crl.M.P.Nos.1117 and 1118 and 1119 of 2013, alleging that the 1st petitioner got remarried, therefore, to summon the person, who performed the second marriage to the 1st petitioner, to cancel the maintenance awarded to the 1st petitioner and also to direct the pastor to produce the marriage certificate of the 1st petitioner that was performed on 27.09.2012. The Court below dismissed the said three applications vide orders, dated 02.04.2014, holding that the there are particulars about the second marriage of the 1st petitioner and also the name of the person with whom the 1st petitioner's

marriage was performed again.

Thereafter, 1st petitioner filed Crl.M.P. No.709 of 2015 before the Court below to direct the 2nd respondent to pay the arrears of maintenance. The application filed by the petitioners i.e. Crl.M.P. No.3072 of 2012 and Crl.M.P. No.709 of 2015 are pending before the Court below. During the pendency of the above two applications, the 2nd respondent filed another three petitions in Crl.M.P.Nos.1139, 1140 and 1141 of 2015, stating that the 1st petitioner married one Vadlamani Vasantha Rao on 27.09.2012 and also to examine the Pastor by name Zakarayya, who performed the said marriage and also to summon the marriage certificate and also to cancel the maintenance awarded to the 1st petitioner. The Court below allowed the above said applications.

Learned counsel for the petitioners submitted that the 1st petitioner did not get remarried and she has no source of income to maintain herself and also her son and the 2nd respondent without paying the maintenance awarded by the Lok Adalat, filed the above petition to evade payment of maintenance and the Court below also without entertaining the applications filed by the petitioners, allowed the applications filed by the 2nd respondent.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court is of the view that this criminal petition can be disposed of as follows:

The Additional Judicial Magistrate of First Class, Peddapuram, East Godavari District is directed to dispose of Crl.M.P.No.709 of 2015 along with Crl.M.P.No.3072 of 2012 in M.C. No.30 of 2011, filed by the petitioners within a period of one month from the date of receipt of a copy of this order.

With the above direction, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand

closed.

RAJA ELANGO, J

March 08, 2016.
KTL