

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3354 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in CrI.M.P.No.6512 of 2014 in M.C.No.17 of 2009, dated 23.02.2015, on the file of the II Additional Judicial First Class Magistrate, Madanapalle, Chittoor District, arising out of maintenance case.

Heard and perused the material available on record.

Originally M.C.No.17 of 2009 was filed by the petitioners herein under Section 125 CrPC., seeking monthly maintenance. The Court below passed an *ex parte* order, dated 21.10.2010 granting monthly maintenance of Rs.1,500/- (Rupees one thousand and five hundred only) to first petitioner and Rs.1,000/- (Rupees one thousand only) each to petitioners 2 and 3 herein. Subsequently, the second respondent herein filed CrI.M.P.No.6512 of 2014 seeking to set aside the *ex parte* order and permit him to file counter in the said maintenance case. The Court below allowed the said miscellaneous application. Aggrieved over the same, the present criminal petition is filed by the petitioners herein.

This Court is of the view that there is nothing to interfere with the order passed by the Court below. But at the same time, in the interest of justice, the Court below is directed to complete the trial within a period of three months and to pass appropriate orders. It is made clear that if the second respondent herein fails to cooperate with the Court below for the purpose of trial, the Court below is at liberty to restore its earlier *ex parte* order.

The Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

15.03.2016

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