

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4643 OF 2016

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ORDER:
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1. This petition is filed by the petitioner (1st respondent in DVC) under Section 482 Cr.P.C. seeking to quash CrI.M.P.No.154 of 2016 in DVC No.4 of 2015 on the file of the XV Metropolitan Magistrate, Cyberabad at Medchal.

2. It is stated that the 2nd respondent filed the above DVC before the IX Metropolitan Magistrate, Cyberabad at Kukatpally. Along with the above DVC, she filed an application viz., CrI.M.P.No.4530 of 2012 to grant interim maintenance. The learned Magistrate granted interim maintenance of Rs.25,000/- to the 2nd respondent herein. Subsequently, she filed a petition for implementation of interim order. Pending the same, the above DVC was transferred to the Court of the XV Metropolitan Magistrate, Cyberabad at Medchal on the ground of territorial jurisdiction and the DVC was renumbered as DVC No.4 of 2015 and the earlier application filed by the 2nd respondent for implementation of interim orders in CrI.M.P.No.4530 of 2012 was renumbered as DVC MP No.154 of 2016.

3. It is the case of the petitioner that when once the DVC was transferred by the learned IX Metropolitan Magistrate, Cyberabad to another Court on the ground of jurisdiction, the order of interim maintenance passed by the learned IX Metropolitan Magistrate becomes void and therefore, there is no question of implementation of any interim orders.

4. After arguing for some time, the learned Counsel for the petitioner confined his argument with regard to the payment of maintenance to the 2nd respondent. He submitted that the order of the

Court below is an ex parte order and the petitioner is a poor person and therefore, the interim maintenance granted to the 2nd respondent may be reduced.

5. Considering the facts and circumstances of the case and the submissions made by the learned Counsel for the petitioner, the interim maintenance of Rs.25,000/- granted to the 2nd respondent by the Court below is modified to that of Rs.10,000/- per month payable from the month of April, 2016. The petitioner is directed to pay the interim maintenance as granted by this Court to the 2nd respondent on or before 10th of every succeeding month till disposal of the main DVC. The trial Court is directed to dispose of the above DVC within a period of six months from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 4.4.2016

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DATED 4.4.2016

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