

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6436 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioner/R-1 seeking to quash the order, dated 3.9.2015, passed in CrI.M.P.No.447 of 2012 in D.V.C.No.11 of 2008 on the file of the Additional Junior Civil Judge, Narsipatnam.

2. Heard and perused the material available on record.

3. Respondent No.2 is the wife of the petitioner. She filed the D.V.C. against the petitioner and others seeking certain reliefs under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, "the Act") and the same was partly allowed. In spite of the orders in the D.V.C., the petitioner herein failed to pay the maintenance and residence amount to the respondent and he fell in arrears of maintenance to a tune of Rs.16,500/-. Hence, she filed the aforementioned miscellaneous petition to punish the petitioner. *Vide* impugned order, the Court below imposed punishment of rigorous imprisonment for a period of one year or until the payment if sooner made for the default of the arrears amount. Challenging the same, the present Criminal Petition is filed.

4. Against any order passed under the provisions of the Act, an appeal lies to the Court of Sessions. Hence, this Criminal Petition is not maintainable and the same is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed.

6. Registry is directed to return the originals to the petitioner.

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

JUSTICE RAJA ELANGO

27.4.2016

AMD

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