

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3044 of 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioner-Accused seeking to quash order, dated 05.02.2016, in CrI.R.P. No.21 of 2015 passed by the Family Court – cum – Additional District Judge, Nizamabad, whereby the learned Sessions Judge dismissed the revision petition filed by the petitioner by confirming the order, dated 06.10.2013, in M.C. No.5 of 2013 passed by the Judicial Magistrate of First Class, Nizamabad.

The 2nd respondent is the wife and the 3rd respondent is the son of the petitioner. The 2nd respondent was living with her parents due to some differences between her and the petitioner. She along with his son, filed MC No.5 of 2013 against the petitioner seeking monthly maintenance at Rs.4,000/- to her and Rs.2,000/- to her son. The trial Court partly allowed the said MC and directed the petitioner to pay Rs.1,500/- per month to the 2nd respondent and Rs.1,000/- per month to the 3rd respondent from the date of petition i.e. 22.03.2013 and also to pay the monthly maintenance regularly on or before 10th of every succeeding month. Against the said order, the petitioner preferred a revision before the Family Court cum Additional District Judge, Nizamabad in CrI.R.P. No.21 of 2015. The learned District Judge dismissed the said revision and confirmed the order of the trial Court, vide order, dated 05.02.2016. Aggrieved over the same, the present petition is filed by the petitioner.

Heard and perused the material available on record.

After perusing the orders passed by the Courts below this Court is of the view that the learned Magistrate has ordered the maintenance

by taking into consideration that the 2nd respondent has no sufficient means to maintain herself and also her son and that the petitioner has got sufficient means to pay maintenance to his wife and son and the reasons assigned by the learned Magistrate are just and reasonable; and the same are also confirmed by the revisional Court. The orders under challenge do not suffer from any serious infirmity and hence, this Court is not inclined to interfere with the same and therefore, the criminal petition is liable to be dismissed.

At this stage, learned counsel for the petitioner submitted that the petitioner met with an accident and got injurious to his right leg and got surgery and therefore, he is not able pay the arrears of maintenance in one time, and he is ready to pay the same in installments and he will regularly pay the monthly maintenance.

Taking into consideration the submission of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The Criminal Petition is dismissed confirming the order, dated 05.02.2016, in Crl.R.P. No.21 of 2015 passed by the Family Court cum Additional District Judge, Nizamabad. However, the petitioner is directed to pay the arrears of maintenance to respondent Nos.2 and 3 in four equal installments, commencing from April, 2016 and shall pay the monthly maintenance to them regularly on or before 10th of every succeeding month.

Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

March 09, 2016.
KTL