

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3590 OF 2016

ORDER:

This petition is filed by the petitioner under Section 482 Cr.P.C. seeking to quash the docket order dated 26.2.2016 passed in CrI.M.P.No.5578 of 2015 in M.C.No.9 of 1998 by the V Additional Judicial Magistrate of First Class, Tirupathi, Chittoor District.

Heard and perused the material available on record.

The 2nd respondent is the wife and respondents 3 to 6 are the children of the petitioner. They filed the above M.C. The trial Court allowed the same directing the petitioner to pay Rs.400/- per month to the 2nd respondent and Rs.300/- p.m., to each of respondents 3 to 6 towards maintenance. Subsequently, respondents 2 to 6 filed CrI.M.P.No.5578 of 2015 for enforcement of the order of maintenance and the same is pending. While so, respondents 2 to 6 filed the above CrI.M.P. to advance the said CrI.M.P.No.5578 of 2015 and to direct the petitioner to pay the arrears of maintenance. The trial Court allowed the said petition and advanced the hearing of CrI.M.P.No.5578 of 2015 to 26.2.2016. On 26.2.2016, as the petitioner was absent, the trial Court issued NBWs against the petitioner. Aggrieved by the same, the petitioner filed this petition.

Considering the facts and circumstances of the case, this Court is not inclined to pass the following order:

“The petitioner is directed to surrender before the trial Court and move an application to recall NBWs issued against him. On such application being filed, the trial Court is directed to recall NBWs against the petitioner and release him on bail on the same day on condition of the petitioner executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety for the like sum to the satisfaction of the trial

Court.”

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

JUSTICE RAJA ELANGO

Date : 17.3.2016

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DATED 17.3.2016

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