

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3303 OF 2016

ORDER:

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This petition is filed by the petitioner under Section 482 Cr.P.C. seeking to quash order, dated 19.02.2016 in CrI.P. No.1664 of 2015 in M.C. No.18 of 2013 passed by the III Additional Judicial Magistrate of First Class, Kothagudem.

Heard and perused the material available on record.

The 1st respondent is the wife of the petitioner. She filed MC No.18 of 2013 before Court below for grant of maintenance at Rs.20,000/- per month. She also filed CrI.MP No.200 of 2014 before the Court below to grant interim maintenance at Rs.10,000/- per month. The Court below, vide order, dated 03.03.2014, granted interim maintenance at Rs.3,000/- per month to the 1st respondent. Since the petitioner defaulted in paying the maintenance, the 1st respondent filed CrI.M.P. No.1664 of 2015 before the Court below to direct him to pay the arrears of interim maintenance or to send him to prison. Subsequently, M.C. No.18 of 2013 was disposed of the by the Court below directing the petitioner to pay Rs.4,000/- per month as interim maintenance to the 1st respondent from the date of that petition. Against the said order, the petitioner filed CrI.R.C. No.67 of 2015 before the Principal Sessions Court, Khammam, along with CrI.M.P. No.209 of 2015 for stay of order passed in the MC. The learned Sessions Judge granted stay of order, in M.C. No.18 of 2013, vide order, dated 08.09.2015, subject to condition of petitioner depositing half of the amount granted in the MC. Meanwhile, the Court below passed the following order on 19.02.2016 in CrI.P.MP. No.1664 of 2015:

“Petitioner absent. Petition filed and allowed. Respondent absent. In-spite of condition order payment not made. Issue NBW against Respondent on process. Call on 24.03.2016.”

Challenging the same, the present criminal petition is filed.

Considering the facts and circumstances of the case, without going into the merits of the case, this Court is inclined to pass the following order:

The petitioner is directed to approach the Court below and file an application to recall the warrant issued against him and on such application being filed, the Court below is directed to recall the warrant on the same day on petitioner executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum.

With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 21, 2016.
KTL