

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1950 OF 2012

ORDER:

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This Criminal Petition is filed by the petitioner/respondent under Section 482 Cr.P.C., to quash the proceedings in M.C.No.23 of 2011, on the file of the XIII Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad, as against the petitioner/former mother-in-law.

Heard and perused the material available on record.

The main contention raised by the learned counsel for the petitioner is that as per the provisions of the Muslim Woman (Protection of Rights on Divorce) Act, 1986 (for short, 'the Act'), the protection is given to the divorced Muslim ladies and they are entitled to get the relief only from the former husband. But, on the reading of the entire Act, it does not anywhere disclose that the mother-in-law can also be proceeded for the benefits that are acquired by the wife of the former husband.

Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner and the objects and reasons pointed in the Act, since the 2nd respondent has already proceeded for the benefits from the former husband and she cannot proceed against her former mother-in-law for the benefits as per the provisions of the Act.

Hence, the Criminal Petition is allowed and the proceedings in M.C.No.23 of 2011, on the file of the XIII Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad, as against the petitioner/former mother-in-law are hereby quashed. Miscellaneous Petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

Date: 26th July, 2016

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