

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1310 OF 2014

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner-respondent seeking to quash the order, dated 23.10.2013, in CrI.R.C. No.37 of 2012 passed by the VI Additional District and Sessions Judge, Godavarikhani, wherein the learned Sessions Judge dismissed the revision case filed by the petitioner.

Heard and perused the material available on record.

The brief facts of the case are that the 1st respondent is the wife and the 2nd respondent is the son of the petitioner. Their marriage was performed twenty five years back and after the birth of the 2nd respondent, the petitioner left the company of the respondents 1 and 2 and married another woman i.e.

3rd respondent. Thereafter, the respondents 1 and 2 filed MC No.6 of 2011 before the Judicial Magistrate of First class, Manthani, seeking maintenance at Rs.5,000/- per month each to the respondents 1 and 2. The trial Court partly allowed the MC, granting an amount of Rs.5,000/- per month to the 1st respondent as maintenance and dismissed the claim of the 2nd respondent. Challenging the said order, the petitioner filed revision before the VI Additional District & Sessions Judge, Godavarikhani.

The learned Sessions Judge dismissed the revision case through order, dated 23.10.2013, holding that the trial Court has granted Rs.5,000/- per month to the 1st respondent as maintenance by taking into consideration the salary of the petitioner. Aggrieved by the said order, the present petition is filed.

Learned counsel for the petitioner submitted that the

1st respondent herself left the company of the petitioner and that they obtained customary divorce before the village elders and the petitioner gave permanent alimony to the 1st respondent and thereafter, he married another woman and that he has to maintain his family.

After perusing the material available on record and after hearing the arguments of both the counsel, this Court is of the view that the trial Court was right in granting maintenance at Rs.5,000/- to the 1st respondent by taking into consideration the salary of the petitioner and the said finding was also confirmed by the revisional Court, and hence, this Court is of the view that the order under challenge does not suffer from any infirmity or illegality warranting interference of this court under Section 482 Cr.P.C.

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

RAJA ELANGO, J

February 18, 2016.

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