

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3025 OF 2016

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings against him in M.C.No.39 of 2015 on the file of the Family Court, Nizamabad.

Heard and perused the material available on record.

It is stated that the marriage of the petitioner with the 2nd respondent was performed on 11.11.2007 and after marriage, they lived together and out of their wedlock, a son was born to them. It is stated that the 2nd respondent without informing the petitioner left the matrimonial home along with their son and in spite of his requests and notice, she did not join and the petitioner also filed a petition for restitution of conjugal rights and after receipt of summons, the 2nd respondent filed DVC and she sought for interim maintenance in DVC. Her claim was rejected. But the claim of interim maintenance to their son was allowed and accordingly, the petitioner is paying maintenance to his son. While so, the 2nd respondent filed the above M.C. It is the case of the petitioner that since the DVC is pending, the maintenance case may be quashed.

Considering the facts and circumstances of the case and the nature of the proceedings, this Court is not inclined to grant the relief sought by the petitioner.

At this stage, the learned Counsel for the petitioner prayed for dispensing with the presence of the petitioner before the trial Court.

In view of the above submission, the presence of the petitioner before the trial Court is dispensed with except on the dates when his presence is specifically required by the trial Court. The petitioner shall be represented through a Counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Consequently,

miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 9.3.2016

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