

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.12249 of 2016

ORDER

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings in M.C.No.19 of 2015 on the file of Principal Judicial First Class Magistrate, Miryalguda, Nalgonda District.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. It is submitted by the learned counsel for the petitioner that the 1st respondent-wife is not mentally challenged person and she is not competent to file Maintenance Case.

4. A perusal of the record shows that at one point of time the 1st respondent-wife was produced before the jurisdictional Magistrate in one case. As she was unable to give answers, she was referred to medical examination and thereafter the 1st respondent was taken care of by her parents. The contention of the petitioner is that the 1st respondent herself filed Maintenance Case which is erroneous. In the circumstances, the Court below needs to be enquired into about the mental condition of the 1st respondent as to whether she is competent to file a petition and prosecute the matter. At this stage, this Court cannot decide that Maintenance Case filed by the 1st respondent-wife is maintainable or not.

5. In that view of the matter, this Criminal Petition is disposed of directing the Court below to take into consideration all the

contentions raised by the learned counsel for the petitioner/husband and also take into consideration the mental condition of the 1st respondent-wife, to proceed with the enquiry and dispose of the above Maintenance Case, in accordance with law, as expeditiously as possible.

6. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL,J

Date:24.08.2016

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