

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.6458 OF 2017

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order dated 25.04.2017 passed in CrI.M.P.No.1330 of 2016 in M.C.No.164 of 2016 by the Additional Metropolitan Sessions Judge for the Trial of JHCBBC – cum - Additional Family Judge – cum – XXIII Additional Chief Judge, Hyderabad granting interim maintenance at the rate of Rs.15,000/- per month in favour of the respondent as an interim measure.

Respondent herein filed a petition for grant of interim maintenance at the rate of Rs.25,000/- per month during pendency of the petition filed under Section 125 (1) of Cr.P.C., contending that her marriage was performed with the petitioner as per Hindu rites and customs on 15.08.2014 at Hyderabad. They lived happily for sometime and at the time of marriage, her parents paid Rs.5,00,000/- towards dowry besides presentation of 42 Tulas gold and 1 Kg silver. After sometime, misunderstandings arose between the respondent and petitioner and the petitioner allegedly refused and neglected to maintain the respondent/wife. The petitioner/husband is working as accountant having possessed sufficient means to maintain the respondent/wife.

The petitioner/husband specifically contended that he is working in a private company and getting meagre salary and that the respondent owned a house and possessed sufficient means to maintain herself and prayed to dismiss the petition.

The Court below upon hearing the argument of both sides and considering the material on record, awarded interim maintenance at the rate of Rs.15,000/- as an interim measure.

Aggrieved by the said order, the present petition is filed by the husband on various grounds mainly contending the respondent/wife possessed sufficient means to maintain herself, whereas the petitioner is working in a private company as an accountant and getting salary of Rs.20,000/- per month.

Since both parties did not adduce any evidence to prove either of the contentions, the undisputed fact is that the petitioner is working as an accountant, whereas the respondent is not attending to any employment.

The petitioner also did not produce his salary certificate to establish that he is earning Rs.20,000/- per month. However, the order under challenge was passed as interim measure, hence I deem it appropriate to reduce the same to Rs.10,000/- per month from Rs.15,000/- per month during pendency of main petition taking into consideration of present cost of living and price index, while directing the Court below to dispose of the maintenance case as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of a copy of this order.

In the result, the petition is disposed of reducing the interim maintenance to Rs.10,000/- per month from Rs.15,000/- per month granted by the Court below. The Court below is directed to dispose of the M.C.No.164 of 2016 as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of a copy of this order. No costs.

Observations made herein above while passing the present order will have no bearing on the decision in the main maintenance case and the Court below is directed to pass appropriate orders in accordance with law, uninfluenced by the observations made, if any, in the present order.

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

15.12.2017
Ksp

