

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.4822 OF 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order dated 15.05.2017 passed in CrI.M.P.No.37 of 2017 in CrI.A.No.238 of 2017 on the file of V Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, whereby the petition filed for stay of execution of order dated 03.02.2017 passed in CrI.M.P.No.1801 of 2016 in D.V.C.No.29 of 2016 on the file of Judicial Magistrate of First Class, Special Mobile Court – cum – XI Metropolitan Magistrate, Cyderabad was dismissed.

Respondent No.1 herein filed petition under Section 12 of Protection of Women from Domestic Violence Act (for short "the Act"). During pendency of the said case, the respondent No.1 herein filed a petition under Section 23 of the Act for grant of interim maintenance.

Upon hearing argument of both the counsel, the Magistrate passed an order directing the petitioner herein to pay interim maintenance at the rate of Rs.10,000/- per month. Aggrieved by the said order, an appeal is preferred under Section 29 of the Act along with an application to grant stay of the order of interim maintenance, but the said petition was dismissed.

During hearing, Sri K.Suresh Reddy, learned counsel for the petitioner contended that if no stay is granted, the respondent No.1 may enforce the order and collect arrears of maintenance from the petitioner, then he will be put to serious loss and that the

petitioner is only a tutor in private educational institution and earning Rs.15,000/- per month.

The salary certificate of the petitioner was not produced before the Magistrate or Sessions Judge. Therefore, it is difficult to modify the interim maintenance granted by the Magistrate. However, learned counsel for the petitioner, at the end, requested this Court to issue a direction to the trial Court to decide the Domestic Violence Case as expeditiously as possible.

Acceding to the request of the learned counsel for the petitioner, and to avoid unnecessary hardship to the petitioner for payment of interim maintenance, this petition is disposed of directing the Judicial Magistrate of First Class, Special Mobile Court – cum – XI Metropolitan Magistrate, Cyderabad to dispose of the D.V.C.No.29 of 2016 in accordance with law as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this order. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

28.11.2017

Note:

Issue C.C. by 04.12.2017

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