

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.507 OF 2014

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the order, dated 03.12.2013 passed in CrI.M.P. No.337 of 2012 in M.C. No.101 of 2012 on the file of the Judge, Family Court - cum - XII Additional District Judge, Guntur.

2. Heard Sri K. Srinivas, learned counsel for the petitioner and Sri G.V.S. Mehar Kumar, learned counsel for respondent Nos.2 and 3, who are wife and daughter of petitioner.

3. By the aforesaid order, the learned Judge, Family Court as against the request to grant Rs.10,000/- towards interim maintenance, having discussed elaborately, granted Rs.3,500/- to respondent No.2 and Rs.1,500/- to respondent No.3 per month towards their monthly maintenance taking the view that the petitioner herein has been doing fruit business under the name and style 'M.K.T. Fruits' and must be earning at least Rs.200/- to Rs.300/- per day even according to the petitioner's version though, respondent Nos.2 and 3 herein set out that he was earning Rs.2,00,000/- per month and owns movable and immovable properties.

4. The learned counsel for the petitioner would submit that the amount awarded by the Court below is highly excessive; the petitioner

has no means or source of income to pay that much amount and, therefore, sought to set aside the order under challenge.

5. It appears the petitioner herein has also taken the ground that respondent No.2 herein is working temporarily in ICICI Bank at Hyderabad, earning Rs.7,000/- per month. But, admittedly, as rightly observed by the Court below, he has not placed any material to substantiate it. Be that as it may, natural tendency of a person, who is burdened to maintain his wife and children, would certainly, to show lower income or the means. The petitioner has not placed any material to show that he has no source of income at all. Keeping in view, the respective stands taken by parties, and since it is not in dispute that the petitioner is a fruit vendor, the amounts of Rs.3,500/- and Rs.1,500/- per month awarded towards interim maintenance to the respondent Nos.2 and 3, respectively, cannot be viewed unreasonable or unjust warranting interference.

Therefore, the Criminal Petition is dismissed for want of merit. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

March 07, 2017.

Mgr