

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1269 of 2017

ORDER :

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the order in CrI.M.P.No.6737 of 2016 in D.V.C.No.27 of 2012 on the file of the Judicial Magistrate of First Class, Special Mobile Magistrate, Guntur.

2. Heard, Sri Bujjibabu Davuluri, learned counsel for the petitioner.

3. Learned counsel would submit that in Domestic Violence Case No.27 of 2012, the learned Judicial Magistrate of First Class, Special Mobile Magistrate, Guntur, passed an order dated 19.01.2016, directing the petitioner herein to pay monthly maintenance at Rs.3,000/- to the respondent No.1 herein on or before 10th of every succeeding month commencing from February 2016 and the arrears shall be paid within three months and also directing to pay Rs.50,000/- towards compensation for the emotional distress and mental agony caused by the acts of the domestic violence by him. The learned counsel further submits that the petitioner moved Criminal Appeal No.146 of 2016 on the file of the III-Additional District and Sessions Judge, Guntur, and also filed CrI.M.P.No.72 of 2016 for stay of the order dated 19.01.2016 and the said stay petition was dismissed by the appellate Court on 10.06.2016. The learned counsel would represent that the matter was not carried to this Court

challenging the order 10.06.2016. However, it is his submission that respondent No.1 herein filed CrI.M.P.No.6737 of 2016 for implementing the order passed in D.V.C.No.27 of 2012 above referred to. The learned counsel requests for quashing of the proceedings in the said CrI.M.P.No.6737 of 2016. Ex facie, such a relief cannot be granted in this case. In case, the proceedings in CrI.M.P.No.6737 of 2016 are quashed, it is nothing but defeating the very purpose of execution of the order passed by the learned Magistrate, which is subsisting.

4. Accordingly, the criminal petition is dismissed at admission stage.

5. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

15th February 2017.

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