

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO.664 OF 2017

ORDER:

This criminal revision case is filed under Sections 397 & 401 of Cr.P.C questioning the propriety, legality and regularity of the order in CrI.M.P.No.126 of 2016 in M.C.No.79 of 2016 dated 18.01.2017 passed by the IV Additional District Judge-cum- I Additional Family Judge, Ranga Reddy District at L.B. Nagar, whereby, the Trial Court granted interim maintenance of Rs.6,000/- per month to the first petitioner and Rs.2,500/- per month to the second petitioner.

Respondents 1 & 2 herein who were the petitioners before the Trial Court filed CrI.M.P.No.126 of 2016 under Section 125 Cr.P.C for grant of interim maintenance, as they are starving. The IV Additional District Judge-cum- I Additional Family Judge, Ranga Reddy District awarded interim maintenance of Rs.6,000/- per month to the first petitioner and Rs.2,500/- per month to the second petitioner after considering the maintenance awarded in D.V.C.No.10 of 2013. Aggrieved by the order passed by the Trial Court dated 18.01.2017, the present criminal revision is filed.

The main ground raised before this Court is that the respondents 1 & 2 herein suppressed filing of D.V.C.No.10 of 2013 and obtained an interim order of maintenance of Rs.6,000/- and Rs.2,500/- and on the sole ground, the order is liable to be set-aside. The petitioner herein also raised several contentions in grounds 2 to 6 in the revision, relating to maintenance granted in D.V.C.No.10 of 2013 only. Therefore, his contentions are based

only on the alleged suppression of maintenance granted in D.V.C.No.10 of 2013.

Learned counsel for the petitioner mainly concentrated on suppression of factum of filing D.V.C.No.10 of 2013 and obtaining interim order and interim maintenance awarded therein is illegal. Notice on the respondents 1 & 2 was served, but none appeared.

As seen from the material on record, the respondents 1 & 2 filed Crl.M.P.No.215 of 2014 in D.V.C.No.10 of 2013 on the file of VII Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District. Later an appeal was preferred in Crl.A.No.478 of 2014 and the said order in Crl.A.No.478 of 2014 became final. But, Crl.M.P.No.126 of 2016 was file seeking interim maintenance under Section 125 Cr.P.C without disclosing filing of D.V.C.No.10 of 2013 and obtained interim order of maintenance of Rs.6,000/- per month to the first petitioner and Rs.2,500/- per month to the second petitioner. In Crl.M.P.No.215 of 2014, undoubtedly the respondents 1 & 2 did not disclose filing of D.V.C.No.10 of 2013 in VII Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District. But, that by itself is not a ground to set-aside the order for the reason that the IV Additional District Judge-cum- I Additional Family Judge, Ranga Reddy District considered the order passed by the Court in D.V.C No.10 of 2013 and ordered the petitioner herein to pay sum of Rs.6,000/- per month to the first respondent herein and Rs.2,500/- per month to the second respondent herein.

Section 125 Cr.P.C is introduced only to avoid vagrancy and destitution of neglected wife, children and parents. It is measure of

social welfare to provide immediate relief to the neglected wife, children and parents and relief cannot be claimed on suppression of such technicalities. That apart, the relief claimed is not an equitable or discretionary relief under Section 125 Cr.P.C. Therefore, the order passed in Crl.M.P.No.126 of 2016, considering the amount awarded towards interim maintenance in D.V.C.No.10 of 2013 cannot be faulted and if the order is passed without considering the said amount awarded in D.V.C, the order may call for interference of this Court while exercising power under Sections 397 & 401 of Cr.P.C. When the IV Additional District Judge-cum- I Additional Family Judge, Ranga Reddy District at L.B. Nagar considered and awarded interim maintenance of Rs.6,000/- per month to the first petitioner and Rs.2,500/- per month to the second petitioner, the order cannot be interfered by this Court. Hence, I find no ground to set-aside the order passed by the Trial Court.

However, the IV Additional District Judge-cum- I Additional Family Judge, Ranga Reddy District at L.B. Nagar is directed to decide M.C.No.79 of 2016, as expeditiously as possible, in any event not later than six months from the date of receipt of copy of this order.

In the result, the criminal revision case is dismissed.

Consequently, miscellaneous applications pending if any, shall stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:04.08.2017
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