

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1935 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Criminal Procedure Code, 1973 (Cr.P.C.), is filed by the petitioner viz., N. Lakshmi Reddy seeking to quash the order, made on the docket, dated 11.07.2016, by the learned VII Additional District Judge, Madanapalle, Chittoor District, in Criminal Revision Petition 76 of 2016.

2. Heard Sri Mahadeva Kanthrigala, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh, and perused the material on record.

3. In view of the fact-situation occurring in this case and nature of the order under challenge, it is opined that there is no need to issue notice to respondent No.2, who is wife of the petitioner.

4. It appears, the Criminal Revision Petition was preferred by the husband, who is petitioner hererin, aggrieved over the maintenance awarded in M.C. No.39 of 2011; of course, the learned counsel for the petitioner is unable to say what was the amount granted towards monthly maintenance nor the said fact is finding place in the grounds of revision petition or in the present criminal petition.

5. The order sought to be set aside reads thus:

“Revision petitioner called absent.
No representation. NO petition filed. For default,
the revision petition is dismissed. Respondent
absent. Petition filed for respondent is allowed.”

6. Learned counsel for the petitioner would submit that when the revision petition was pending, the matter was referred to Lok Adalat for an amicable settlement. The Lok Adalat has passed the order dated 11.06.2016 recording that “Since C.R.P. is not settled before Lok Adalath, call on 11-07-2016 to hear both sides.”

7. The Lok Adalat certainly cannot direct to call the criminal revision on 11.07.2016, when the matter was not settled before it. The only order, the Lok Adalat can pass is to re-transmit the file to the Court concerned with an endorsement that the matter was not settled before it. Perhaps, that may be the reason why, the revision petitioner was absent on 11.07.2016. The order under challenge also reveals that the respondent was also absent.

8. In that view of the matter, it is desirable to set aside the order under challenge and the same is accordingly set aside restoring the Criminal Revision Petition No.76 of 2016 to its file directing the learned Sessions Judge to dispose of the same within a period of three (3) months from the date of receipt of a copy of the order.

9. With the above directions, the Criminal Petition is allowed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand disposed of.

A. SHANKAR NARAYANA, J

March 9, 2017.

PV

