

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2912 of 2017

ORDER:

Aggrieved over the order, dated 30.01.2017, in M.P.No.212 of 2016 in M.C.No.76 of 2015 on the file of the Judge, Family Court at Secunderabad, the present petition is filed under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the said order on the ground that without there being cogent material on record, the Court below granted Rs.7,500/- per month towards interim maintenance.

Heard Sri G.Ravichandran, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Telangana on behalf of respondent No.2.

Learned counsel for the petitioner would submit that the Court below, having recorded that the petitioner herein, who is the husband of the 1st respondent herein, suffered termination, ought not to have granted Rs.7,500/- per month towards interim maintenance on mere premise that the petitioner herein was deriving rents to a tune of Rs.1,00,000/- and Rs.40,000/- per month towards salary. It is, therefore, his submission that without any cogent material, the order under challenge was passed and, therefore, the same is liable to be set aside.

Admittedly, the termination order is not filed by the petitioner herein to substantiate the fact of his termination and even the reasons

are not assigned there for by him. In such an event, it is difficult to construe that the petitioner herein suffered termination.

The second aspect is, when the 1st respondent herein has come up with a definite income of the petitioner getting Rs.40,000/- per month towards salary and Rs.1,00,000/- towards monthly rents, nothing is forthcoming in the counter of the petitioner except denying the allegations made against him. Thus, viewed from any angle, certainly, the order passed by the Court below does not suffer from any patent illegality warranting interference by this Court.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous petitions, if any, pending in the Criminal Petition stand closed.

Date: 10.04.2017

v v

A.SHANKAR NARAYANA, J