

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2006 OF 2017

ORDER:

A request is made under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') by the petitioner-husband seeking to quash the non-bailable warrant issued against him in an application filed under Section 128 of the Cr.P.C., which is filed by the wife for enforcement of the order passed under Section 125 of the Cr.P.C.

2. Sri C.Sharan Reddy, learned counsel for the petitioner, would submit that initially the property has to be attached before issuance of N.B.Ws. Of course, the submission made by the learned counsel cannot be visualized from the orders passed by this Court and the Court below referred that the petitioner and respondent were called absent and till 4.30 p.m. there was no representation and in that view of the matter, non-bailable warrant was issued against the petitioner on payment of process in an application filed under Section 128 of the Cr.P.C.

3. The petitioner directly approached this Court under Section 482 of the Code for recalling non-bailable warrant, which, in fact, he could have tried before the Court, which had issued non-bailable warrant. Therefore, it would be proper to direct the petitioner to approach the Family Court-cum-VI Additional District Judge, Khammam, by filing an appropriate application under the relevant provisions of the Code, for the relief, which he prays herein.

4. Accordingly, the criminal petition is dismissed as there is no merit. It is observed that in case, the petitioner files an application for recalling non-bailable warrant, the learned Family Court-cum-VI Additional District Judge, Khammam, shall dispose of the said petition on the very same day, in accordance with law.

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

A. SHANKAR NARAYANA, J

March 13, 2017

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