

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.15458 of 2013

ORDER:

The criminal petition is filed by the petitioners seeking for quash of the proceedings in MC.No.237 of 2012 on the file of the Family Judge, Vijayawada.

2. Heard counsel for the petitioners; counsel for respondent No.2 and the learned Public Prosecutor, who takes notice for R1.

3. The complaint is filed by the mother seeking maintenance against her sons. The grievance of the petitioner herein is that the second respondent is already receiving maintenance of Rs.1,000/- per month from her husband by virtue of an order dated 19.06.2009 passed by the Lok Adalat, Vijayawada and that her husband is alive. Hence, she is not entitled to seek maintenance from children.

4. But the facts that have to be gone into are whether the maintenance that she is receiving from her husband and which was decided in the year 2009 at Rs.1,000/- per month would suffice for her to make a decent living and whether she has any special reason to claim maintenance only against children, leaving her husband, has to be gone into. Unless the reasons for filing the petition against children are brought out through evidence, it is not advisable to terminate the proceedings by quashing the proceedings.

With the above observations, the criminal petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 14, 2017
DSK

T. RAJANI, J