

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.11460 OF 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) to quash the order dated 7.11.2017 in CrI.M.P.No. 1276 of 2016 in M.C.No. 331 of 2011 on the file of the Additional Family Court, Nampally, Hyderabad.

It is the case of the petitioner that CrI.M.P.No. 1276 of 2016 in M.C.No. 331 of 2011, was filed by Sri Uzma Batool, second respondent herein for recovery of arrears of maintenance by way of fine invoking Section 421 Cr.P.C. The petitioner also allegedly filed a petition for cancellation of maintenance awarded in favour of daughter who allegedly attained majority and that the petitioner is not earning anything at the age of 70 years. Instead of dismissing both the applications, the Additional Metropolitan Sessions Judge disposed of the application filed by the second respondent herein keeping the other application filed by the petitioner pending in CrI.M.P.No. 792 of 2016 in MC No. 331 of 2011.

The only grievance of the petitioner before this Court is that the second respondent became major and she is not entitled to claim maintenance.

Whether the second respondent attained majority to disentitle her to claim maintenance or not is the question to be decided by the Magistrate based on evidence and similarly, failure to dispose of the petition filed by the petitioner in CrI.M.P.No. 792 of 2016 is not a ground to decide the present criminal petition but propriety requires deciding both the petitions at a time. Therefore, the trial Court is directed to decide the CrI.M.P.No. 792 of 2016,

pending on the file of Judge, Family Court in M.C.No. 331 of 2011, within two weeks from the date of receipt of a copy of this order. The order in challenge is free from legal infirmity and it does not call for interference.

With the above observation, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE M.SATYANARAYANA MURTHY

Date: 22.11.2017
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