

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.10951 OF 2017

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order dated 19.09.2017 passed in CrI.M.P.No.64 of 2017 in M.C.No.2 of 2016 by the IV Additional Judicial First Class Magistrate, Warangal, granting maintenance of Rs.3,000/- p.m. to the respondent No.1 herein and Rs.2,000/- p.m. to the respondent No.2 herein.

As the order under challenge is an order passed in miscellaneous petition granting maintenance during pendency of main petition. Therefore, it is revisable order under Section 397 of Cr.P.C. by Sessions Judge or by the High Court under Sections 397 or 401 of Cr.P.C. Instead of filing a revision under Sections 397 or 401 of Cr.P.C, the present petition is filed under Section 482 of Cr.P.C.

Since the order under challenge is amenable to revisional jurisdiction before the competent Court and when statutory remedy is available, this Court cannot exercise inherent jurisdiction under Section 482 of Cr.P.C. in view of the law declared by Apex Court in "***Municipal Corporation of Delhi Vs. Ram Kishan Rohtagi and others***"¹,

Applying the principle laid down in the judgment referred supra, the criminal petition is not maintainable and the same is liable to be dismissed.

¹ AIR 1983 SC 67

In the result, the petition is dismissed. No costs. However, liberty is given to the petitioner to file appropriate application.

Consequently, miscellaneous applications pending if any, shall stand closed.

Registry is directed to return the certified copies filed along with this petition to the advocate on record under proper acknowledgement.

JUSTICE M. SATYANARAYANA MURTHY

17.11.2017
Ksp

