

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.11595 of 2017

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed to quash the docket order, dated 21.08.2017, in CrI.M.P.No.227 of 2017 in M.C.No.80 of 2011 passed by the Judge, Family Court, Vijayawada, Krishna District.

2. The only contention raised by learned counsel for the petitioner before this Court is that the order under challenge is creptic and no reasons were assigned, at least the reasons assigned by the petitioner/respondent in a petition filed for issuance of summons to the witnesses.

3. Undisputedly, the docket order does not disclose any reason and it is a creptic order. The Presiding Officer did not even note the contentions of the petitioner mentioned in the affidavit filed along with the petition by exercising the power under Section 91 Cr.P.C. Therefore, the docket order is illegal and the same cannot be sustained.

4. Accordingly, the Criminal Petition is allowed setting aside the docket order, dated 21.08.2017 in CrI.M.P.No.227 of 2017 in M.C.No.80 of 2011 passed by the Judge, Family Court, Vijayawada, Krishna District, and the Court below is directed to decide CrI.M.P.No.227 of 2017, within one week from the date of receipt of a copy of this order, after hearing both parties, in accordance with law. Since Maintenance Case is of the year 2011, the Court below is directed to dispose of the same, as expeditiously as possible, in any event, not later than three months taking into

consideration the directions issued by this Court in various Circulars to dispose of pre-2012 matters.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY, J

NOVEMBER 24, 2017
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Date: 24.11.2017

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