

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1380 OF 2018

ORDER:

This petition is filed by the petitioner under Section 482 Cr.P.C. to quash the proceedings in M.C.No.398 of 2017 on the file of the Family Court, Malkajgiri, Medchal District, which was filed under Section 125 Cr.P.C. seeking maintenance.

2. Heard learned counsel for the petitioner and perused the record.

3. Learned counsel for the petitioner would submit that the 2nd respondent is working in USA and she has sufficient means to maintain herself. There is no neglect or willful desertion on the part of the petitioner. There are no grounds to grant maintenance and ultimately, prayed to allow the petition.

4. The point for determination is whether the request of the petitioner at this stage can be acceded to?

5. As per the cause-title, the 2nd respondent is a student. It is difficult to hold at this stage that she is an employee and capable of maintaining herself. The allegations made in the maintenance case with regard to entitlement of maintenance of 2nd respondent is required to be decided after due enquiry as per the procedure established under law.

6. It is contended by the learned counsel for the petitioner that every time, the petitioner has to come from USA and appear before the Court below to participate in the proceedings, which is causing hardship and there is possibility of losing the employment. In such event, the

petitioner is at liberty to file an application to dispense with his personal appearance as and when he chooses to do so depending upon the circumstances. On filing such an application, the Court below may consider the same in accordance with law.

7. With the above observation, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 08-02-2018.

Hsd

