

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2748 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/husband, to quash the proceedings in M.C.No.32 of 2017 on the file of VII Additional District Judge (Judge, Family Court), Eluru, West Godavari District.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner would submit that there was divorce between the parties to the litigation. Further, the petitioner paid Rs.2,00,000/- to the 2nd respondent/wife and Rs.3,00,000/- to the 3rd respondent/daughter towards permanent alimony. The Maintenance Case before the Court below is not maintainable. It is also submitted that the petitioner has undergone heart surgery. He is facing difficulty in attending the Court below on each and every date of adjournment.

4. Under these circumstances, in the event of the petitioner filing an application for dispensing with his personal attendance before the Court below, the Court below may consider the same on merits and in accordance with law.

5. At this stage, the learned counsel for the petitioner would submit that the petitioner also intends to file an application before

the Court below with regard to the maintainability of the subject Maintenance Case. In such an event, the Court below may dispose of the said application on merits and in accordance with law, expeditiously, and preferably within a period of three (03) months from the date of filing such application.

6. With the above observations/directions, this Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

06th March, 2018
Bvv



Dr. SHAMEEM AKTHER, J