

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1939 of 2013

ORDER:

This petition is filed seeking for quashment of orders in CrI.R.P.No.53 of 2011 passed by II Additional Sessions Judge (Fast Track Court) at Parvathipuram dismissing the petition filed to set aside the order in M.C.No.9 of 2009 on the file of Additional Judicial Magistrate of First Class, Bobbili, Vizianagaram dated 23.08.2011.

2. No representation on behalf of the petitioner, in spite of listing the matter under the caption 'for dismissal'. None appears for the first respondent, in spite of notice. Heard the learned Public Prosecutor appearing for the second respondent.

3. The impugned order in CrI.R.P.No.53 of 2011 is an order confirming the orders passed by the Additional Judicial Magistrate of First Class, Bobbili in M.C.No.9 of 2009. The issue of *res judicata* was decided as not affecting the maintenance of the second petition by the Apex Court and the same is not an issue before this Court. The issue now in this petition is with regard to the dismissal of the petition, which was filed seeking for maintenance of Rs.5,000/- per month. Both the Courts below took up an elaborate discussion on the aspect of granting maintenance, in addition to Rs.500/- per month which was awarded in M.C.No.23 of 2000 filed by the petitioner herein and Rs.1,000/- per month later, as per the family agreement. The Courts also considered that no changed circumstances are put forth by the petitioner, who is the petitioner herein, in order to

enhance the maintenance amount over and above Rs.1,500/- per month, which was being paid by the first respondent herein. Hence, in view of the above circumstances, this Court does not find any reason to quash the impugned order.

4. Hence, the Criminal Petition is dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

January 03, 2018
Tsr

T. RAJANI, J

