

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.11791 of 2011

ORDER:

The criminal petition is filed for quash of the order dated 22.07.2011 passed by the Judge, Family Court-cum-Additional District and Sessions Court, Srikakulam, confirming the order dated 25.10.2007 passed in M.C.No.22 of 2007 by the Judicial Magistrate of I Class, Special Mobile Court, Srikakulam.

2. Heard the learned counsel for petitioner, Sri K.Bheema Rao, learned counsel for respondents 1 and 2 and the learned Public Prosecutor appearing for the third respondent.

3. Learned counsel appearing for petitioner submits that though the 1st respondent is working as a Teacher, the courts below erroneously awarded maintenance to the 1st respondent, without assigning any reasons.

4. A perusal of the impugned order goes to show that in paragraph '15' of the impugned order the appellate court made categorical observation that both the petitioner herein as well as the 1st respondent herein are working as Teachers and are earning members and considering the submission made by the 1st respondent that there has been increase in the salary of the petitioner and also the 1st respondent to an extent of 50%, without assigning any reasons, awarded maintenance to the 1st respondent. When the 1st respondent-wife is also earning by

working as a Teacher, there cannot be any reason in awarding maintenance to 1st respondent. Therefore, the impugned order to the extent of granting maintenance to the 1st respondent @ Rs.1,000/- per month is set aside. The counsel for petitioner, however, does not raise any objection with regard to granting maintenance to the 2nd respondent-child.

Hence, the Criminal Petition is partly allowed.

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

Date: 03.12.2018
Prv

T. RAJANI, J

