

SMT. JUSTICE T.RAJANI
CRIMINAL PETITION No.11183 of 2011

ORDER

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the order dated 25.08.2011 passed in CrI.R.P. No.1 of 2011 by the VIII Additional District and Sessions Judge (FTC) Visakhapatnam, confirming the order dated 01.12.2010 passed in M.C.No.6 of 2006 by the Judicial First Class Magistrate, Paderu.

2. The second respondent herein filed M.C.No.6 of 2006 for maintenance and by virtue of the order dated 01.12.2010, the trial Court allowed the said petition directing the petitioner herein to pay a sum of Rs.2,000/- per month towards maintenance to the second respondent. Against the said order, the petitioner filed a revision and the same was dismissed, upholding the grant of maintenance @ Rs.2,000/- per month.

3. At the stage of this petition, learned counsel for the petitioner does not put forth any tenable argument to interfere with the order impugned. It appears that both the Courts below, after taking into consideration the fact that there was a marriage between the parties and not believing the evidence of R.Ws.1 to 3 that the petitioner was unmarried, in the light of Ex.P-1-certificate of marriage, granted maintenance to the second respondent. It was also observed that the petitioner was working in the office of the District Collector, Visakhapatnam. Hence, it appears that the only ground taken by the

petitioner that the second respondent is not his legally wedded wife was not accepted by both the Courts below. The Courts below took into consideration the fact that by virtue of Section 2(2) of Hindu Marriage Act, the Act is not applicable to the members of scheduled tribe and upheld the validity of their marriage, which is alleged to be void, due to the marriage not being in accordance with the prescriptions of Section 13 of Hindu Marriage Act, i.e., that the petitioner herein is a minor, aged 16 years, at the time of the marriage.

4. In view of the above, there is no reason to interfere with the orders impugned.

5. Hence, the Criminal Petition is dismissed. Miscellaneous applications, if any, pending in this criminal petition shall stand dismissed.

29th October, 2018.

sj

T. RAJANI, J