

SMT. JUSTICE T. RAJANI

Criminal Petition No.5966 of 2013

ORDER:

This petition is filed seeking to quash the proceedings in M.C. No.66 of 2012 on the file of the Junior Civil Judge, Macherla, Guntur District.

The petitioner is the son of the first respondent. Maintenance case was filed by the first respondent against the petitioner. The contention of the learned counsel for the petitioner is that the first respondent has her husband living and also has another son and hence this petition is not maintainable against this petitioner. But the learned counsel for the respondent, in answer to the said submission, submits that the husband of the first respondent is not in a position to maintain himself and hence, the question of maintaining even his wife is impossible. He also contends that even if father, who is unable to maintain may also claim maintenance against the sons. There is no decided clear proposition on it. The learned counsel for the petitioner placing reliance on the bank statements of the husband of the first respondent to show that huge amounts are lying in his bank account. But in the counter filed by the first respondent a clear contention is there, that the amounts, which were deposited in the account of the husband of the first respondent were withdrawn by the petitioner himself. These are all questions of facts, which have to be decided only after due trial.

In view of the above, this Court opines that it is not safe, at this stage, to quash the proceedings in M.C. No.66 of 2012 on the file of the Junior Civil Judge, Macherla, Guntur District, and therefore, this criminal petition is liable to be dismissed and accordingly, this criminal petition is dismissed.

Miscellaneous petitions, if any pending in this petition, shall stand closed.

JUSTICE T. RAJANI

Date: 18.09.2018
LSK

