

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.6114 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order dated 09.03.2018 passed in CrI.M.P.No.282 of 2017 in FCOP (MC) No.203 of 2017 by the Judge, Family Court – cum – XII Additional District Judge, Guntur.

Respondent Nos. 1 to 3 filed petition under Section 125 of Cr.P.C. to grant maintenance making allegation that they were neglected by the petitioner herein and he failed to provide any maintenance and that they have no independent source of income to maintain themselves. Along with the petition filed under Section 125 of Cr.P.C., they filed CrI.M.P.No.282 of 2017 under Section 125 (1) of Cr.P.C. for grant of interim maintenance at the rate of Rs.10,000/- per month each during pendency of the main petition.

The Judge, Family Court – cum – XII Additional District Judge, Guntur, upon hearing argument of both the counsel and considering the material available on record, awarded interim maintenance at the rate of Rs.2,500/- per month each to the respondent Nos.2 and 3 while dismissing the claim of the respondent No.1 herein. The said order is now challenged on various grounds.

During hearing, learned counsel for the petitioner requested to grant two (2) months time to pay arrears of interim maintenance as the petitioner paid 50% of the maintenance awarded by the Court below, without deciding legality of the order under challenge.

The petitioner is an agriculturist having small extent of land. Taking into consideration the financial capacity of the petitioner, two

(2) months time is granted to pay arrears of interim maintenance till date awarded in favour of respondent Nos.2 and 3 and he shall continue to pay same interim maintenance till the disposal of the main petition. In the event of failure to pay interim maintenance for two successive months, the respondent Nos.2 and 3 are at liberty to enforce the order invoking the provisions of Section 125 (3) of Cr.P.C.

With the above, the criminal petition is disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

15.06.2018
Ksp



JUSTICE M. SATYANARAYANA MURTHY