

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.8190 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 31.10.2017 passed in CrI.M.P.No.588 of 2017 in CrI.R.P.No.60 of 2017 on the file of IX Additional District and Sessions Judge, Chittoor, whereby the revisional Court directed the petitioner herein to pay Rs.3,000/- per month to the respondent No.1 and Rs.2,000/- per month to the respondent No.2 towards maintenance till disposal of the revision petition.

Initially, respondent Nos.1 and 2 herein filed M.C.No.01 of 2016 on the file of the Judicial Magistrate of First Class, Kuppam for grant of maintenance. After trial, the trial Court granted maintenance at the rate of Rs.7,000/- per month to the wife/respondent No.1 herein and Rs.5,000/- per month to the daughter/respondent No.2 herein.

Aggrieved by the order of the trial Court, the petitioner herein filed criminal revision petition before the District and Sessions Judge, Chittoor. The revisional Court suspended the order of the trial Court passed in M.C.No.01 of 2016 and reduced the maintenance and directed the petitioner herein to pay Rs.3,000/- per month to the respondent No.1 and Rs.2,000/- per month to the respondent No.2 herein.

Learned counsel for the petitioner contended that the financial capacity of the petitioner has to be taken into consideration while fixing the quantum of maintenance and without considering the

financial capacity of the petitioner the Court below passed the impugned order.

As seen from the order passed by the trial Court, the trial Court awarded maintenance at the rate of Rs.7,000/- per month to the respondent No.1 herein and Rs.5,000/- per month to the respondent No.2 herein, but the revisional Court suspended the order and reduced the maintenance from Rs.7,000/- per month to Rs.3,000/- per month to the respondent No.1 and from Rs.5,000/- per month to Rs.2,000/- per month to the respondent No.2 herein.

Now, the petitioner is insisting to reduce the maintenance. It is for the petitioner to maintain his wife and children being able bodied person. The petitioner being the husband of respondent No.1 herein and father of respondent No.2 herein cannot refuse to provide maintenance to the respondent Nos.1 and 2. In view of the findings recorded by the Magistrate, the petitioner is bound to pay maintenance to the respondent Nos.1 and 2 herein. Moreover, coming to quantum, the respondents are expected to lead same standard of living, which the petitioner is leading. Taking into consideration of present price index, the maintenance awarded by the revisional Court is just and reasonable. Hence, I find no ground to reduce the maintenance. Consequently, the present petition is liable to be dismissed.

In the result, the criminal petition is dismissed. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

03.08.2018
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