

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.8676 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., questioning the order dated 27.07.2018 passed in MC (SR) No.3248 of 2018.

2. The petitioner filed M.C., under Section 125 of Cr.P.C., claiming maintenance at Rs.50,000/- per month on the ground that she was neglected by the first respondent from providing any maintenance etc. The Court below returned the said case on 06.06.2018 with certain objections. The petitioner resubmitted the same after complying with the objections. On 16.07.2018, the Court below again returned the case with certain objections and the petitioner also resubmitted the same. But the Court below again returned the case on 27.07.2018 with the following objections;

1. Court fee of Rs.10/- to be paid under Section 29 of Family Court Act.
2. Verified affidavit to be filed since the proceedings under Section 125 Cr.P.C., are quasi civil nature and pleadings shall have to be verified by way of affidavit.
3. Duplicate copy of petition to be filed.
4. Objection Nos.2,3,4 and 5 dated 06.06.2018 are not complied.

The petitioner was granted 15 days time for compliance of the said objections. Instead of complying with the objections, the petitioner approached this Court under Section 482 of Cr.P.C., seeking a direction to the Court below to register the maintenance case without raising any untenable objections. But the said relief cannot be granted by this Court while exercising power under Section 482 of Cr.P.C., and it is for the Court below to decide whether the objections raised by the office have been complied with or not, and

if, for any reason the petitioner did not comply with the objections, the Court can pass appropriate order on judicial side and reject the petition. But, before passing such order, the petitioner approached this Court. Whether the objections are tenable or not has to be decided by the Court below, and therefore, the petitioner is directed to approach the Court below after complying with the objections and invite the order on merits, and in case any adverse order is passed, she is at liberty to approach this Court.

3. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand dismissed.

17th August, 2018

Note:
Issue CC in one week.
sj

M. SATYANARAYANA MURTHY, J

