

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.9663 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the order dated 12.06.2017 passed in CrI.M.P. No.480 of 2017 in M.C. No.487 of 2016 on the file of the Additional Metropolitan Sessions Judge for trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for respondent No.1-State, apart from perusing the material available on record.

3. Learned counsel for the petitioner would submit that the order of interim maintenance at Rs.10,000/- per month granted in the impugned miscellaneous application is excessive; the Court below ought not have granted such interim maintenance; and ultimately, prayed to allow this application by setting aside the impugned order.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought by the petitioner.

5. As per the record produced before this Court, respondent No.2 herein is the legally wedded wife of the petitioner herein. She was subjected to additional dowry and threatened when she did not get the additional dowry. There are also allegations against the petitioner and others in driving out respondent No.2 herein from their house. The contention of respondent No.2 is that the petitioner is a Chemical Engineer in E.M.A. Colours Company and drawing a salary of Rs.80,000/- per month and also getting rental income of Rs.30,000/- per month. As per the record, respondent No.2 is living separately and she has no means to

maintain herself. She was denied the maintenance by her husband-petitioner herein. So, she is entitled for maintenance. As per the averments made in the impugned application, the grant of interim maintenance of Rs.10,000/- per month cannot be taken as on higher side, in view of the escalating cost of living and the status of the parties. There is no infirmity in the impugned order and the same is liable to be confirmed.

6. Accordingly, this Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Date: 14-02-2018

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Dr. SHAMEEM AKTHER, J

