

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5633 of 2011

ORDER:

This criminal petition is filed for quash of the proceedings in M.C.No.187 of 2010, against the petitioner, on the file of the Judge, Family Court, L.B. Nagar, Ranga Reddy District.

2. Heard the counsel for the petitioner, counsel for respondents 1 and 2 and the learned Public Prosecutor, appearing for the third respondent.

3. The petition, which is sought to be quashed, is filed under Section 125 of the Criminal Procedure Code by two petitioners, who are minors, represented by their mother, who is the wife of the petitioner herein.

4. The counsel for the petitioner submits that there was a full and final settlement with regard to the maintenance, before the Lok Adalat and the mother of the respondents received Rs.5 lakhs. The counsel for the petitioner submits that the petitioner is not in a position to lend any more assistance to the respondents than what was promised and rendered by way of Lok Adalat award. She further submits that the petitioner is undergoing Dialysis treatment.

5. The counsel for the respondents submits that the award was passed without there being any knowledge on the part of the mother of the respondents and that she did not go through the terms of the compromise. She further submits that Rs.5 lakhs, which was given to

the mother, is not sufficient to meet the medical expenditure that is being incurred for the treatment of the second respondent.

6. Though the aforesaid contention that there was no knowledge on the part of the respondent, does not find favour with this Court, the undisputed fact remains that the second respondent is suffering from Autism. Section 127 CrPC permits alteration of maintenance. Hence, it is not a case for quash of the proceedings in the MC.

7. The counsel further submits that the petitioner seeks this Court to stay the operation of interim maintenance granted by the Court below till the completion of trial.

In view of the above, this Court is of the opinion that the proceedings against the petitioner cannot be quashed at this stage. The criminal petition is dismissed. However, considering the peculiar facts and circumstances of the case wherein the petitioner is stated to be suffering from Kidney problem and is under Dialysis, there shall be stay of operation of the order of the Court below granting interim maintenance to the respondents and the Court below is directed to complete the trial of the matter, expeditiously, preferably within a period of three (3) months from the date of receipt of a copy of this order. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 15, 2018
DSK

T. RAJANI, J