

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.12516 of 2017

ORDER :

The petitioner, N.Appa Rao, respondent to F.C.M.C.No.14 of 2017 pending on the file of the III Additional District Judge-cum-Family Court, Srikakulam, under Section 125 Cr.P.C. by the so-called minor son N. Sasikanth, represented by mother as guardian Palakonda Prabhavathi (even wrongly referred as Prabhavathi anywhere) impugning the very maintainability of the proceedings saying against one Labba Sankara Rao, Labba Swetha, represented by mother/guardian Palakonda Prabhavathi, already filed M.C.No.3 of 2016.

2. The sum and substance of the contention is that the said Palakonda Prabhavathi representing as mother/guardian for one Swetha claimed as Palakonda Vijaya Prabhavathi, Health Assistant, Srikakulam, and also referred as Labba Prabhavathi W/o.Labba Sankara Rao in M.C.No.3 of 2016 and in M.C.No.14 of 2017 referred for minor Nethala Sasikanth as mother/guardian Palakonda Prabhavathi and thereby once she is wife of Labba Sankara Rao, she cannot claim as either wife of N.Appa Rao or even the said N. Appa Rao is father of the minor Sasikanth.

3. Heard both sides and perused the material on record.

4. Under Section 125 Cr.P.C. even an illegitimate child is also entitled to maintenance. Once such is the case, it requires both

matters to be decided by the self same Family Court, where those are pending, on merits, simultaneously, as the Court cannot readily quash, but for any factual dispute evidence is to be adduced even in a summary manner of the summary proceedings respectively.

5. With these observations, the criminal petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

30th October 2018.

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