

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.15398 OF 2014

ORDER:

Petitioner is the first respondent in D.V.C.No.7 of 2014 on the file of the learned XV Metropolitan Magistrate at Medchal, Ranga Reddy District. Therein, the second respondent herein filed a petition in CrI.M.P.No.1221 of 2014 seeking interim maintenance and the same was ordered vide order dated 04.06.2014. Aggrieved thereby, the petitioner/husband filed an application in CrI.M.P.No.2805 of 2014 in CrI.M.P.No.1221 of 2014 in D.V.C.No.7 of 2014 seeking modification of the maintenance order. However, the Court below dismissed the said application, vide order dated 12.11.2014, holding that no grounds were made out warranting interference with the earlier maintenance order. Assailing the said order, the petitioner/husband filed the present petition under Section 482 Cr.P.C.

2. In the light of the judgment in ***Gaddameedi Nagamani Vs. State of Telangana***¹, a quash petition under Section 482 Cr.P.C. is not maintainable in relation to any order passed in a Domestic Violence Case, as an efficacious alternate remedy by way of appeal is provided to the party aggrieved by such order under Section 29 of the Protection of Women from Domestic Violence Act, 2005.

3. In that view of the matter, this Criminal Petition is dismissed on the ground of maintainability leaving it open to the petitioner to avail the appellate remedy as per the due procedure.

¹ 2015 (2) ALD (CrI.) 764

Pending I.As. in this petition, if any, shall stand closed in the light of this final order.

18th April, 2019
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SANJAY KUMAR, J

