

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.11935 of 2018

ORDER:-

Heard both sides and perused the impugned Order, dated 07.09.2018, passed by the learned II Additional Family Judge, Ranga Reddy District, Kukatpally, in CrI.M.P.No.37 of 2018 in the pending Maintenance Case No.12 of 2018, in favour of the respondents No.1 to 3, no other than wife and two minor daughters of the petitioner (sole respondent to the impugned Order). Undisputedly, he is proprietor of M/s.Globetech Tooling Systems, the so-called Lathe Machine.

His contention that his wife is not entitled to maintenance as first petitioner for she is one of the accused in Crime No.202/2017, dated 27.03.2017, of P.S.Pet Basheerabad, for the offences under Sections 376, 354A, 354D, 497, 506 IPC and Sections 4 and 17 of POCSO Act, in saying the victim is the 2nd petitioner to the impugned Order.

A perusal of the crime shows that it is outcome of the report of the respondent, who is the petitioner herein, that itself cannot thereby that too without charge sheet taken as a ground to say she is not entitled to maintenance and she is living in prostitution or she got extra-marital relation and leading adulterous life. If at all, such defences, that only are to be decided after full-fledged trial in the main maintenance case.

So far as the means of her are concerned, sale deed, dated 03.02.2017, standing in her favour, executed by S.Jayaprakash and two others, filed showing for the Flat No.403, Fourth Floor, Sai Ram Nivas, Hafeezpet village, Serilingampally. It is one of the

contentions that she let out and getting rents there from and even her address shows at different area i.e., Road No.6, Deepthi Sri Nagar, Miyapur, Hyderabad, as per the impugned Order cause-title. That is also a matter to be decided regarding the quantum.

Having regard to the above, by left open all defences to be urged before the Trial Court in the main matter, there shall be direction to the learned Judge, Family Court, to give preferential disposal to the main matter in M.C.No.12 of 2018 within four months from the date of receipt of a copy of the Order and in the meantime, the interim maintenance awarded to the respondents herein is reduced to Rs.8,000/- (Rupees eight thousand only) each. The reduction of the interim maintenance in the quantum awarded by the lower Court in the impugned Order no way influence the mind of the trial Court in deciding the main Maintenance Case but for on own merits.

Accordingly, the Criminal Petition is allowed in part.

Dr. B. SIVA SANKARA RAO, J

22nd January, 2019
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