

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No: 1473 OF 2023

Between:

Mohd. J. Saleem, S/o. Mohd. J. Yaseen, aged 37 years Occ. Business, R/o. H no. 1-3-570 Near Mariate Hotel, Kavadiguda Secunderabad 500 080

...Petitioner/Respondent

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court at Hyderabad for the State of Telangana
2. Smt. Farhana Begum,, W/o. Mohd J. Saleem D/o. Mohd. Jabbar, aged 28 years, Occ house wife R/o. H no. 1-3-570, Near Mariate Hotel, kavadiguda Secunderabad 500 080, presently residing at H No. 14-1-130/6, Borabanda, Padvavathi nagar Allapur, Hyderabad

...Respondent/Petitioner

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to QUASH the Orders dated 02.11.2022 in CrI.M.P.No.94 of 2022 in M.C.No.2 of 2022 on the file of Hon'ble III Addl. District and Sessions Judge Cum II Addl. Metropolitan Sessions Judge Cum Prl. Family Court, M.M. District at Kukatpally

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay all further proceedings in CrI.M.P No. 94 of 2022 in MC No. 2 of 2022 passed by the III Additional District and sessions judge-cum-II Additional Metropolitan Sessions Judge-cum-PrI family court, MM District at Kukatpally in the interest of justice

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K.S. SUNEEL, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.1473 OF 2023

ORDER:

The present Criminal Petition is filed under Section 482 of Code of Criminal Procedure (for short 'Cr.P.C.'), to set aside/modify the order dated 02.11.2022 in CrI.M.P.No.94 of 2022 in M.C.No.2 of 2022 passed by the III Additional District and Sessions Judge cum Principal Family Court, M.M. District at Kukatpally.

2. The petitioner is the husband of 2nd respondent herein. The respondent No.2 herein has filed a petition vide M.C.No.2 of 2022 under Section 125 of Cr.P.C seeking maintenance from the petitioner herein. They have also filed an application vide CrI.M.P.No.94 of 2022 in M.C.No.2 of 2022 seeking interim maintenance from the petitioner herein. Vide order dated 02.11.2022, learned Family Court Judge, directed the respondent therein to pay an amount of Rs.20,000/- per month to the petitioner therein towards interim maintenance from the date of petition till disposal of main case. Aggrieved by the said order of the learned Family Court Judge, the petitioner – respondent filed this criminal petition to set aside/modify the aforesaid order.

3. Heard learned counsel for the petitioner and learned Public Prosecutor for the respondent-State. Perused the record.

4. Learned counsel for the petitioner would submit that he is not having the financial capacity to provide the said amounts to the 2nd respondent and he intends to produce proof of his income during the course of trial.

5. Since the maintenance granted is interim in nature, this Court deems it appropriate to reduce the interim maintenance of Rs.20,000/- per month as ordered by the learned Family Court Judge to Rs.15,000/- per month to the 2nd respondent herein from the date of the petition. However, 50% of the arrears shall be paid within four (04) weeks from the date of this order and remaining 50% shall be paid within eight (08) weeks from this order.

6. In view of the above discussion, the order dated 02.11.2022 in CrI.M.P.No.94 of 2022 in M.C.No.2 of 2022 passed by the III Additional District and Sessions Judge cum Principal Family Court, M.M. District at Kukatpally, is modified.

7. Further, the learned Principal Family Court Judge, is directed to conclude the process of trial as expeditiously as possible within a period of six (06) months from the date of receipt of a copy of this order, in accordance with law.

Miscellaneous Petitions, if any, pending, shall also stand closed.

Sd/- N CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional District and sessions judge-cum-II Additional Metropolitan Sessions Judge-cum-Prl family court, MM District at Kukatpally
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
3. One CC to SRI. K.S. SUNEEL, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:13/02/2023



ORDER

CRLP.No.1473 of 2023

DISPOSING OF THE CRIMINAL PETITION

(7) Copies
Sm
28/2/23