

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION NO.7052 OF 2008**

**ORDER:**

This petition is filed under Section 482 Cr.P.C. to quash the order, dated 22-07-2008 in CrI.M.P.No.277 of 2008 in CrI.R.P.No.-- of 2008 in M.C.No.10 of 2005 on the file of the Principal Sessions Judge, Adilabad.

2. Heard the learned counsel appearing for the petitioner herein and the learned counsel appearing for the 2<sup>nd</sup> respondent herein.

3. A perusal of the record reveals that the petitioner herein filed M.C.No.10 of 2005 on the file of the Judicial Magistrate of I Class, Boath, claiming maintenance of Rs.2,000/- per month to her and Rs.1,000/- per month to her minor son. After full-fledged trial, the trial Court granted maintenance at the rate of Rs.600/- per month to the minor son, but dismissed the M.C. insofar as the present petitioner is concerned.

4. Aggrieved thereby, the petitioner herein preferred revision before the Principal Sessions Judge, Adilabad. She also filed CrI.M.P.No.277 of 2008 seeking to condone the delay of 251 days in filing the revision petition. The learned Principal Sessions Judge, Adilabad, dismissed the said petition. Challenging the said order, this petition is filed.

5. Learned counsel appearing for the petitioner herein submitted that the petitioner is unable to maintain herself and the Court below dismissed the petition on erroneous grounds and hence, he prays to allow the Criminal Petition.

6. On the other hand, learned counsel appearing for the 2<sup>nd</sup> respondent herein submitted that the learned Sessions Judge after considering the material on record, rightly dismissed the petition and absolutely, there are no grounds to interfere with the said order.

7. A perusal of the record reveals that the petitioner herein filed the above M.C. under Section 125 Cr.P.C. claiming

maintenance from the 2<sup>nd</sup> respondent herein, who is none other than the husband of the petitioner. While deciding the petitions of this nature, the approach of this Court shall be pragmatic, but not pedantic. If the petition is dismissed, it may not be possible for the petitioner to ventilate her legitimate grievance. Even if the petition is allowed, no prejudice would be caused to the 2<sup>nd</sup> respondent. Further, whether the petitioner is entitled to claim maintenance or not has to be decided in the main revision petition. Taking into consideration the facts and circumstances of the case and underlying object of Section 125 Cr.P.C., this Court is inclined to condone the delay of 251 days in filing the revision petition.

8. Accordingly, the Criminal Petition is allowed seeing aside the order. The learned Principal Sessions Judge, Adilabad is hereby directed to number the revision, if it is otherwise in order. Miscellaneous petitions, if any pending, in this Criminal Petition shall stand closed.

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**T.SUNIL CHOWDARY, J**

**DATED: 08.03.2016.**

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