

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION NO: 8212 OF 2019

Between:

Vaddepally Rajkumar, S/o. Pentaiah, Aged about 42 years, Occ. Govt. Teacher,
R/o. H.No. 8-145/1, Gajwel Village and Mandal, Medak District.

...PETITIONER/PETITIONER/Respondent

AND

1. Vaddepally Madhuravani (Rekha), W/o. Rajkumar, aged about 36 years, Occ. APSRTC Conductor, R/o. H.No.5-37, Dubbak Village and Mandal, Medak District.(Respondent No 1 is not necessary party in this Petition)
2. Vaddepally Sreevarsha, D/o. Rajkumar, Aged about 10 years, Occ. Student, Rep by her natural mother and Guardian of 1st respondent R/o. H.No.5-37, Dubbak Village and Mandal, Medak District.

..Respondents/ Respondents/Petitioners

3. The State of Telangana, rep. by Public Prosecutor, High Court for the State of Telangana at Hyderabad.

...RESPONDENTS

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 order passed in Cri.R.P.No. 8 of 2018 on the file of the IV Additional District and Sessions Judge, Siddipet as modified in M.C.No. 4 of 2016 on the file of the Judicial First Class Magistrate, Dubbak, in the interest of Justice.

I.A. NO: 1 OF 2019

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 M.C.No. 4 of 2016 on the file of the Judicial First Class Magistrate, Dubbak, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T S ANIRUDH REDDY, Advocate for the Petitioner and of the Assistant Public Prosecutor on behalf of the Respondent No. R3 and of Sri Advocate for the Respondent No. R1 and R2 Sri Anguru Narayana Rao

The Court made the following: ORDER

THE HON'BLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.8212 of 2019

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the orders dated 28.10.2019 passed by the learned VI Additional Sessions Judge, Siddipet, in CrI.R.P.No.8 of 2018, wherein, the orders dated 29.03.2018 passed in M.C.No.4 of 2016 by the Judicial First Class Magistrate, Dubbak, were modified.

The facts, as can be gathered from the petition, are that respondent Nos.1 and 2 have filed M.C.No.4 of 2016 against the petitioner claiming maintenance of Rs.20,000/- per month each. The said M.C. was partly allowed by the learned Magistrate on 29.03.2018 granting an amount of Rs.5,000/- per month to respondent No.1 and Rs.15,000/- per month to respondent No.2. A direction was also given to pay the arrears amount in 10 equal installments.

Aggrieved by the said orders, the petitioner has filed CrI.R.P.No.8 of 2018 before the learned VI Additional Sessions Judge, Siddipet, and the same was allowed in part on 28.10.2019, setting aside the directions of the learned Magistrate so far as awarding of maintenance of Rs.5,000/- per

month to respondent No.1 as respondent No.1 was working as a Conductor in RTC. However, the directions of learned Magistrate to pay Rs.15,000/- per month to respondent No.2 on or before 10th of every succeeding month was upheld. The revisional Court further directed to pay the arrears of maintenance amount in 10 equal monthly installments. Aggrieved by the said orders, the present petition is filed.

Learned counsel for the petitioner submits that the petitioner is working as a Teacher in Government School and out of his salary he has to maintain himself and spend huge money for the medical treatment of his parents.

No counter affidavit has been filed by respondent Nos.1 and 2.

Heard both side and perused the record.

Now, the point for determination is whether the orders passed by the learned Additional Sessions Judge can be quashed?

As per the orders passed by the learned Magistrate the petitioner was directed to pay an amount of Rs.20,000/- per month each to respondent Nos.1 and 2. The order of the learned Sessions Judge in the revision go to show that though the petitioner is working as a Teacher and earning an amount of

Rs.55,000/- per month, since respondent No.1 is working as a Bus Conductor and earning salary, the maintenance awarded to respondent No.1 was set aside. However, the petitioner was directed to pay an amount of Rs.15,0000/- per month to respondent No.2 and also directed to pay arrears amount in 10 equal monthly instalments to respondent No.2.

Both the petitioner and respondent No.1 are working and earning money. The petitioner has to maintain himself and his age old parents and spend money for their medical expenses out of his salary of Rs.55,000/- per month. Respondent No.1 has to maintain herself out of her salary income.

Learned Senior counsel has submitted strenuously for quashing of the orders passed by the learned Sessions Judge, as it will be difficult for the petitioner to maintain himself and his parents, as he is required to spend huge amounts towards their medical problems. It is to be noted that respondent No.2 is residing with respondent No.1, who is earning Rs.55,000/- per month. Hence, even though the petitioner has to maintain respondent No.2, still respondent No.1 with whom respondent No.2 is residing, is expected to spend some money for the maintenance of respondent No.2.

Considering the circumstances of income and expenditure of both petitioner and respondent No.1 and considering the educational and other requirements of respondent No.2, to meet the ends of justice, this Court is of the opinion that it is sufficient if the petitioner is directed to pay an amount of Rs.10,000/- per month to respondent No.2 instead of Rs.15,000/-.

Learned counsel for the petitioner submitted that on account of attachment of salary of the petitioner, he has been facing lot of hardships and hence, prays this Court to relax the same and grant some time to clear off the arrears.

The salary of the petitioner was attached as he committed default in payment of arrears of maintenance amount to be paid as per the orders of the learned Magistrate in M.C.No.4 of 2016, which are modified in CrI.R.P.No.8 of 2018 by the learned Sessions Judge. Since this Court has further modified the quantum of maintenance amount to be paid to respondent No.2 from Rs.15,000/- to Rs.10,000/- per month, the petitioner and respondent No.1 are required to file fresh statements of account in respect of arrears to be paid by the petitioner duly calculating from the date of filing of M.C.No.4 of 2016 before the trial Court and basing on that the trial Court is required to determine the

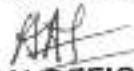
quantum of arrears to be paid to respondent No.2 by the petitioner.

Considering the above, the petitioner is directed to calculate arrears of maintenance amount and to pay the said amount in ten (10) equal monthly installments to be paid on or before 10th of every month. If the petitioner fails to pay even one installment, respondent No.2 is at liberty to recover the entire arrears amount at once. The petitioner has to pay his first installment arrears of amount on or before 10th of August, 2022.

With the above observations, the criminal petition is disposed of and the order of attachment of salary of the petitioner raised by the learned Magistrate is set aside.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- T SRINIVAS
DEPUTY REGISTRAR


SECTION OFFICER

//TRUE COPY//

- To,
1. The VI Additional District and Sessions Judge at Siddipet.
 2. Two CCs to The Public Prosecutor, High Court for the State of Telangana at Hyderabad.[OUT]
 3. One CC to SRI. T S ANIRUDH REDDY, Advocate [OPUC]
 4. One CC to SRI. ANGURU NARAYANA RAO, Advocate [OPUC]
 5. Two CD Copies
 6. One Spare Copy

CHS



HIGH COURT

DATED:26/04/2022



ORDER

CRLP.No.8212 of 2019

DISPOSING OF THE CRIMINAL PETITION

⑥ Copies
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27/7/22