

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

**THURSDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 5088 OF 2015

Between:

Saini Srinivasa Rao, S/o. Kotaiah, Age 45 years, Occ Conductor in APSRTC,
Sathupally Depot, Sathupally Town and Mandal, Khammam District

...Petitioner/Respondent

AND

1. Sainikotaiah, Resident of H.No. 3-119, Back side of Ramalaya Temple Street,
Sathupally Town and Mandal, Khammam District.
2. SainiSanthamma W/o. Kotaiah, Resident of H.No. 3-119, Back side of
Ramalaya Temple Street, Sathupally Town and Mandal, Khammam District.

...Respondent/Petitioner

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

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 by the court of the JFCM Sathupally passed in M.C.No. 2 of 2011 dated 05-02-2012 which is partly allowed by the court of the Judge Family Court-cum-Addl. Sessions Judge, Khammam in CrI.R.P.No. 24 of 2013 dated 27-10-2014.

I.A. NO: 2 OF 2015(CRLPMP. NO: 5196 OF 2015)

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. 2 of 2011 date: 05-02-2012, on the file of the JFCM Sathupally pending disposal of criminal petition before this Hon'ble court and pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Challa Srinivasa Reddy, Advocate for the Petitioner and Sri Vizarith Ali, Asst. Public

Prosecutor (TG) on behalf of the Respondent No.3 and None appeared for the Respondent Nos.1 & 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL**CRIMINAL PETITION No.5088 OF 2015****ORDER:**

This Criminal Petition is filed seeking to quash the order dated 05.02.2012 in M.C.No.2 of 2011 on the file of the learned Judicial Magistrate of First Class, Sathupalli (for short, "the trial Court"), which was partly allowed vide common order dated 27.10.2014 in CrI.R.P.No.24 of 2013 on the file of learned Judge, Family Court-cum-Additional Sessions Judge, Khammam (for short, "the appellate Court").

2. Heard Ms. Vanisree, learned counsel representing Dr. Challa Srinivasa Reddy, learned counsel for the petitioner and Mr. Vizarath Ali, learned Assistant Public Prosecutor appearing for the respondent No.3 State.

3. The brief facts of the case are that respondent Nos.1 and 2, who were the parents of the petitioner filed M.C.No. 2 of 2011 against their son, who is the petitioner, before the trial Court seeking maintenance of Rs.5,000/- per month each from the date of filing of the petition alleging that, the petitioner necked out his parents from their own house. It is further stated that respondent Nos.1 and 2 were blessed with three daughters apart from the

petitioner. Respondent Nos.1 and 2 further submitted that they were suffering from severe health ailments and the petitioner was possessing sufficient means to maintain them. The trial Court vide order dated 05.02.2013 in M.C.No.2 of 2011 held the petitioner liable to pay maintenance of Rs.2000/- to each respondent Nos.1 and 2 from the date of filing of the petition on or before 10th of every month.

4. Aggrieved thereby, the petitioner preferred a Revision before the appellate Court. The learned appellate Judge, vide order dated 27.10.2014 in Crl.R.P.No.24 of 2013 allowed the Revision in part confirming the order passed by the trial Court, but, modified the same by reducing the maintenance amount to Rs.1,250/- per month, payable to respondent Nos.1 and 2 each. Assailing the same, the petitioner filed the present Criminal Petition.

5. Learned counsel for the petitioner submitted that both the Courts below erred in passing their respective orders and contended that the petitioner was earning salary of Rs.6,517/- as per Ex R1 and he is under an obligation to maintain his son, who was studying 10th class and a daughter, studying B.Tech. Moreover, respondent No.1 receives an amount of Rs.10,000/-

towards pension and he retired from service in the year, 2002. Further, respondent No.1 received an amount of rupees ten lakhs towards retirement benefits. Respondent No.2 was also possessing a house site worth twelve lakhs on her name. Therefore, petitioner stated that respondent Nos.1 and 2 were possessing sufficient means to maintain themselves and that the petitioner is bound to maintain his children and wife. Therefore, seeks to allow the Criminal Petition.

6. Learned Assistant Public Prosecutor submitted that the appellate Court after careful scrutiny of the material available on record rightly passed the impugned order and held that the quantum of maintenance awarded to respondent Nos.1 and 2 is quite meager in view of escalation of prices in today's context. Therefore, seeks to dismiss the Criminal Petition.

7. The trial Court, on behalf of respondent Nos.1 and 2 examined PWs.1 and 2 and marked Exs.P1 to P21. On behalf of petitioner, the petitioner himself examined as RW1 and marked Exs.R1 to R4. After careful scrutiny of oral and documentary evidence on record, the trial Court, observed that the parents of petitioner had taken care of him and provided him with proper education and performed his marriage. The petitioner herein is

the only son to the parents, who have performed the marriages of their three daughters without any support from the petitioner. Therefore, the trial Court, holding that the petitioner was bound to maintain his parents, rightly passed the order dated 05.02.2012 in M.C.No.2 of 2011.

8. Upon an appeal being preferred by the petitioner, the appellate Court held that the petitioner neglected his parents without providing maintenance and observed that the petitioner is liable to pay maintenance to his old aged parents, who were suffering from health ailments. However, reduced the quantum of maintenance payable by the petitioner to respondent Nos.1 and 2 each from Rs.2,000/- to Rs.1,250/- per month.

9. A perusal of the record shows that the matter pertains to the year, 2015 and this Court vide order dated 22.06.2015 granted interim stay of the order passed by the appellate Court with regard to the maintenance payable to respondent No.1, who was a pensioner, for a period of six weeks. Further, stating that the order with respect to respondent No.2 shall not be disturbed. Therefore, the matter is being listed today i.e., on 02.11.2023. But nothing is available on record till date, to show that the order passed by this Court is being complied with by the petitioner.

10. Therefore, upon careful consideration of the entire material available on record, this Court is of the view that the maintenance awarded to respondent Nos.1 and 2 is very meagre and appropriate. Challenging such a meagre amount is not permissible at this stage as the cost of living standards of the people, now a days, have escalated to a larger extent. Hence, I do not find any reason to interfere with the order passed by the appellate Court. This Court is not inclined to entertain the Criminal Petition as it is devoid any merit.

11. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- T.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judge, Family Court- cum- Addl. Sessions Judge, Khammam.
2. One CC to Sri Challa Srinivasa Reddy, Advocate [OPUC]
3. Two CCs to Sri Public Prosecutor (TG), [OUT] High Court for the state of Telangana at Hyderabad
4. Two CD Copies.

SM

NS

HIGH COURT

DATED:02/11/2023



ORDER

CRLP.No.5088 of 2015

CRIMINAL PETITION IS DISMISSED

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