

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

MONDAY, THE THIRTY DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:
THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 3278 OF 2017

Criminal Revision Case under Sections 397 & 401 of Cr.P.C. against the Order dated 07-11-2017 made in M.C.No.28 of 2013 on the file of the Court of the Family Court Judge, at Khammam.

Between:

Sri Avadhutha Mahesh, Uma Mahesh, S/o. Ramamurthy, Software Engineer, R/o. Plot No. 912, H.M.T.Colony, Near Supriya Hair Cutting Saloon, Madhapur, Hyderabad.

... Accused/Petitioner

AND

1. The State of Telangana, Rep. by its Public Prosecutor's High Court Buildings, High Court at Hyderabad, Hyderabad.
2. Smt. A.Srilatha, W/o. Avadhutha Mahesh or A.Uma Mahesh, Housewife, R/o. H.No. 7-1-4/A, Near Venkatagiri Railway Gate, Khammam Town and District.
3. A.Hemnesh, S/o. Avadhutha Mahesh, aged 5 years, rep. by his mother and natural guardian Smt.Srilatha - 2nd respondent herein.

... Complainant/Respondent

IA NO: 2 OF 2018

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to extend the time for deposit of amounts as directed by this Honourable Court order dated 27-12-2017 in CrI.Rc.No. 3278 of 2017.

IA NO: 1 OF 2017

Petition under Section 482 OF Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to STAY the order dated 7-11-2017 in MC.No. 28 of 2013 on the court of the Hon'ble

Family court Judge at Khammam., Pending disposal of CRLRC 3278 of 2017, on the file of the High Court.

Counsel for the Petitioner: Sri D V Chalapathi Rao

Counsel for the Respondent No.1: Sri Vizarath Ali, Asst. Public Prosecutor

Counsel for the Respondent No.2: Dr. Challa Srinivas Reddy

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE No.3278 OF 2017

ORDER:

1 This Criminal Revision Case, under Sections 397 & 401 of Cr.P.C., is filed by the accused/petitioner, challenging the judgment, dated 07.11.2017, passed in M.C.No.28 of 2013 on the file of learned Family Court Judge, at Khammam.

2 Heard Ms.Vani, learned counsel representing on behalf of the learned counsel for the petitioner and Sri Dr.Challa Srinivas Reddy, learned counsel for the 2nd and 3rd respondents herein and the learned Public Prosecutor for the respondent - State. Perused the record.

3 The facts germane for filing of the present criminal revision case, succinctly, are that the marriage of the petitioner-husband and the 2nd respondent-wife was performed on 28.01.2007 and at the time of marriage the parents of the 2nd respondent gave an amount of Rs.5,00,000/- towards dowry and presented one gold ring, bracelet, household articles worth of Rs.2,00,000/- and since the beginning of the marriage the petitioner herein demanded additional dowry and tortured the 2nd respondent and harassed and neglected her without providing proper food and clothes. On 28.07.2009, she was finally necked out by the respondents. The 2nd respondent along with her minor son took

shelter in her parents house. Though the petitioner is having sufficient means to maintain the 2nd and 3rd respondents, he neglected to maintain. Hence the 2nd respondent-wife filed M.C.No.28 of 2013 on the file of Family Court, Khammam which was partly allowed.

4 The petitioner herein, being the respondent before the trial Court, filed counter affidavit, while admitting the factum of marriage, *inter alia*, contended that the 2nd respondent is earning only Rs.20,000/- to Rs.30,000/- per month as lecturer in a college and also getting a monthly rent of Rs.20,000/- from her residential own house consisting of G-plus two floors and is capable to maintain herself.

5 During the course of trial in the lower Court, the 2nd respondent herein got herself examined as PW1 and marked Ex.A1. On behalf of petitioner, he got examined as RW1 and got marked Ex.B1 to B11.

6 After going through the entire material available on record, the trial Court allowed the petition partly and granted Rs.10,000/- p.m. to the 3rd petitioner-minor son towards maintenance and petition in respect of 2nd petitioner-wife is dismissed.

7 Aggrieved by the said judgment dated 07-11-2017 passed by the learned Family Court Judge, at Khammam, the present criminal revision case is filed by the petitioner-husband.

8 The contention of the learned counsel for the petitioner is that the 2nd respondent has left the company of petitioner herself by taking all the gold ornaments, silver articles and clothes. The petitioner filed a petition seeking restitution of conjugal rights, but the 2nd respondent did not turn up to join the petitioner. Further the 2nd respondent is attending job at Khammam and earning Rs.20,000/- per month and she is having residential house consisting of G+2 and she is getting Rs.20,000/- per month as rents. Further the 2nd respondent was granted Rs.1,000/- towards residential accommodation and Rs.2,000/- to each petitioner towards maintenance in the D.V.C. filed by the 2nd respondent and hence there is no cause of action for filing maintenance case. However, the trial Court held that the 2nd respondent herein failed to prove that the petitioner harassed the respondents and subjected her to physical and mental cruelty with a demand of additional dowry and that she was necked out by the respondent. Hence the 2nd respondent is not entitled for maintenance from the petitioner. Since the 3rd respondent is the son of petitioner and he is with 2nd respondent and as he is not having any independent source of income, the petitioner has to provide maintenance to the 3rd respondent and therefore awarded Rs.10,000/- to the 3rd respondent towards maintenance.

9 There is no dispute with regard to the matrimonial relationship of the petitioner and the 2nd respondent. The trial Court rightly held that the 2nd respondent did not turn up even after filing of a petition for restitution of conjugal rights by the petitioner and that the 2nd respondent is having sufficient means to maintain herself. Instead of settling the disputes between them, the 2nd respondent resorted to file, M.C., D.V.C., and other criminal cases against the petitioner and dragged the matrimonial issue on to the roads. Therefore, the trial Court did not award any maintenance to the 2nd respondent, but the petitioner is bound to pay maintenance to his son who is in the hands of 2nd respondent.

10 In that view of the matter, the trial Court below has rightly held that the 2nd respondent herein is not entitled for maintenance but the 3rd respondent being son of the petitioner is entitled for maintenance from the petitioner. I see no ground much less valid ground to interfere with the concurrent findings of the Courts below and accordingly this criminal revision case does not deserve merit consideration.

11 In the result, the criminal revision case is dismissed.

Miscellaneous petitions, if any, pending in this criminal revision case shall also stand dismissed.

**SD/-T. KRISHNA KUMAR
DEPUTY REGISTRAR**

//TRUE COPY//



SECTION OFFICER

To,

1. The Judge, Family Court-cum-Addl. District Judge, at Khammam.
2. One CC to SRI. D V Chalapathi Rao Advocate [OPUC].
3. One CC to Dr. Challa Srinivas Reddy Advocate [OPUC].
4. Two CCs to Public Prosecutor, High Court for the State of Telangana. [OUT].
5. Two CD Copies.

**YJR
MY**

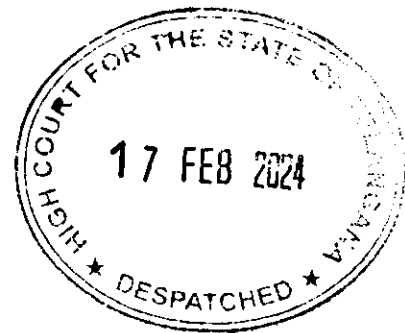


HIGH COURT

DATED:30/10/2023

ORDER

CRLRC.No.3278 of 2017



DISMISSING THE CRIMINAL RC

S
[Signature]
09/2/2024