

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 202 OF 2024

dismissed Criminal Revision Case under Section 397 and 401 of Cr.P.C to set aside the order dated: 01-05-2015 in CrI. M. P. No.850 of 2010 in M. C. No.16/2006 on the file of Honble Judge, Family Court, at L. B. Nagar.

Between:

1. Smt. P. Anuradha, W/o. P. Sathyanarayana, Aged about 34 years, Occ. Housewife, (All are R/o. NFC Nagar Colony, Ghatkesar, Ranga Reddy District.)
2. Kum. P. Bhavana, D/o. P. Sathyanarayana, Aged about 11 years, Occ. Student,
3. Master P. Akhileshwar, S/o. P. Sathyanarayana/ Aged about 9 years, Occ. Student,

(All are R/o. NFC Nagar Colony, Ghatkesar, Ranga Reddy District.)

(Petitioners No.2 and 3 are being minors Represented by their natural mother i.e., Petitioner No.1)

...PETITIONERS/PETITIONERS

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court Complex, Hyderabad.
2. Sri. P. Sathyanarayana, S/o. P. Narasaiah, Aged about 40 years, Occ: Government Servant, Attender, O/o. A. P. State Council of Science and Technology, 12th floor, Eastern wing, Gagan Vihar, M. J. Road, Nampally, Hyderabad.

...RESPONDENTS/RESPONDENTS

Counsel for the Petitioners : SRI. THUMU CHANDRA SHEKAR(Not Present)

**Counsel for the Respondent No.1: Sri VIZARATH ALI, FOR
PUBLIC PROSECUTOR (TG)**

Counsel for the Respondent No.2: SRI.C.VIJAYA SHEKAR REDDY

The Court made the following ORDER:

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL REVISION CASE No.202 OF 2024

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C aggrieved by the order in Crl.M.P.No.850 of 2010 in M.C.No.16 of 2006, dated 01.05.2015 passed by the learned Judge, Family Court, Rangareddy District.

2. No representation on behalf of the petitioners. Heard learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. This Court is inclined to proceed with the matter on merits of the case as per the decision of the Hon'ble Apex Court in "***Bani Singh and others Vs. State of Uttar Pradesh***¹", wherein it was categorically held that the High Court cannot dismiss any appeal for non-prosecution *simpliciter* without examining the merits.

4. The brief facts of the case are that the petitioners herein have filed maintenance case vide M.C.No.16 of 2009 before the Court below seeking maintenance on various grounds.

¹ (1996) 4 Supreme Court Cases 720

Respondent No.2 was remained *ex parte*. After considering the material available on record, the Court below has granted a sum of Rs.2,000/- per month each to the petitioners, towards maintenance vide Order dated 08.05.2007. Later, in the year 2010, the petitioners herein have filed CrI.M.P.No.850 of 2010 before the Court below seeking enhancement of the maintenance amount from Rs.2,000/- per month each to Rs.10,000/- per month each, stating that at the time of granting of maintenance, respondent No.2 had been earning a sum of Rs.7,730/- per month and at the time of filing enhancement petition, respondent No.2 has been earning a sum of Rs.14,000/- per month and that since the expenses of herself and her children are grown up, they are entitled for the enhancement of the maintenance amount. Per contra, respondent No.2 opposed the said application, denying the contents of the petition, stating that petitioner Nos.2 and 3 are came to his house and informed him that they did not want to go to the house of petitioner as she was addicted to drinking alcohol, thereby, she used to neglect the children. After considering the contentions of either of the parties, the Court below has dismissed the said enhancement application under the

Order impugned in this revision. Being aggrieved by the impugned Order, the petitioners have preferred this Criminal Revision Case.

5. Learned Assistant Public Prosecutor appearing for respondent-State would submit that the learned trial Court after appreciating the material facts before it has passed the order. Therefore, interference of this Court at this stage is unwarranted. Hence seeks to dismiss the present criminal revision case.

6. Recording the submissions made by the learned Assistant Public Prosecutor and upon perusing the entire material available on record, I do not find any reason to interfere with the well reasoned order passed by the Court below. Therefore, this Court is not inclined to entertain the present Criminal Revision Case.

7. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- K.SAILESHI
DEPUTY REGISTRAR
SECTION OFFICER

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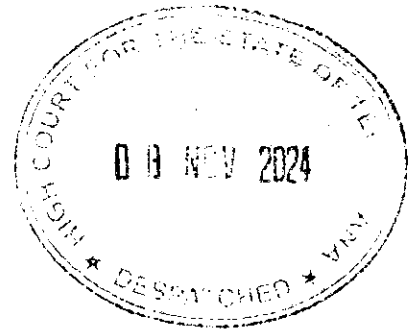
1. The Judge, Family Court, at L. B. Nagar.
2. Two CC to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI. THUMU CHANDRA SHEKAR, Advocate [OPUC]
4. One CC to SRI. C.VIJAYA SHEKAR REDDY, Advocate [OPUC]

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HIGH COURT

DATED:29/12/2023



ORDER

CRLRC.No.202 of 2024

CRLRC IS DISMISSED.

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