

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

**FRIDAY THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 420 OF 2024

Criminal Revision Case under Sections 397 & 401 of Cr.P.C. against the Judgment dated 03.01.2014, made in CrI.A. No. 475/2012 on the file of the Court of the V Additional Metropolitan sessions Judge, Nampalli, Hyderabad, Preferred against the Order passed in D.V.C. No. 15 of 2012, dated 21.04.2012, on the file of the Court of the First Special Magistrate, Hyderabad.

Between:

1. V. Srinivas, S/o V.Raghuvulu, Aged 35 years, Occ. Employee, H.No. 4-8-113/16, Satyanarayana Colony, Hayathnagar, Ranga Reddy District.
2. V.Raghavulu, S/o Not Known, Aged 52 years, Occ Housewife, R/o 4-8-113/6, Subhodaya Colony, LB Nagar, R.R.District.
3. V. Kotamma, W/o V. Raghavulu, Aged about 52 years, Occ. Housewife, R/o 4-8-113/6, Subhodaya Colony, LB Nagar, R.R District. **...PETITIONERS**

AND

1. V. Aruna, S/o V .Srinivas, Aged 32 years, Occ: Household
2. Kamal Kumar, S/o V.Srinivas, Aged 12 years, Occ Student,
3. V. Sravani, D/o V .Srinivas, Aged 10 years, Occ. Student, Plot No. A-408, Rd. No. 7, Green Park Colony, Karmananghat, Hyderabad.
4. State of Telengana, Rep. by its PP., High Court at Hyderabad. **...RESPONDENTS**

IA No. 2 OF 2016

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 reduce the amount of attachment of salary from 6,500/- to 3,250/- which is 1/3rd of the salary instead of the more than 2/3rd of the salary by staying the order of the lower court in CrI.M.P. 2607/14 in DVC 15/12 on the file of the 1st Special Magistrate, at Hyderabad.

Counsel for the Petitioners : Sri. Mettu Govardhan Reddy (Not Present)

Counsel for the Respondent No. 4 : Mr. Vizarath Ali Assistant PP

The Court made the following: ORDER

1

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE No.420 OF 2024

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C aggrieved by the order dated 03.01.2014 passed in CrI.A.No.475 of 2012 on the file of the learned V Additional Metropolitan Sessions Judge (Mahila Court) Hyderabad confirming the Judgment dated 21.04.2012 passed in D.V.C.No.15 of 2012 on the file of the learned First Special Magistrate, Hyderabad.

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 Pradesh¹**", wherein it was categorically held that the High Court cannot dismiss any appeal for non-prosecution *simpliciter* without examining the merits.

¹ (1996) 4 Supreme Court Cases 720

4. The brief facts of the case are that respondent No.1 herein is the legally wedded wife of petitioner No.1 herein and their marriage took place on 12.09.1999 as per Hindu Rites and Customs. At the time of marriage, parents of respondent No.1 presented Rs.50,000/-, 6 Tulas of gold and other household articles worth Rs.30,000/- to the petitioners apart from that her parents also spent an amount of Rs.1,00,000/- towards marriage expenses. Immediately after marriage respondent No.1 joined the matrimonial home and led happy marital life for short period and during their wedlock they were blessed with one male and one female children i.e., respondent Nos.2 and 3 herein. One year after marriage petitioners started harassing respondent No.1 both physically and mentally and also beat her mercilessly for no fault of her and also demanding for additional dowry of Rs.50,000/-. Unable to bear such torture, respondent No.1 lodged a complaint with Women Police Station, Saroornagar, Cyberabad. Subsequently, as petitioner No.1 gave an undertaking before the police, respondent No.1 withdrawn the complaint.

5. Surprisingly instead of looking after the respondent Nos.1 to 3, petitioner No.1 filed O.P.No.766 of 2010 on the file of the learned Judge, Family Court, Rang Reddy District for divorce.

Due to harassment of the petitioners, having no other go respondent Nos.1 to 3 were forced to live separately but though it is the bounden duty of petitioner No.1 to maintain them he failed to do so. Therefore, respondent Nos.1 to 3 filed appeal to award protection order, residential order and return of cash of Rs.50,000/- which is Stridhan property and also marriage expenses of Rs.1,00,000/-

6. Petitioners have filed a counter affidavit denying the averments made by respondent No.1 in the affidavit. It is submitted that at the time of marriage, the parents of respondent No.1 neither gave any dowry nor other articles, the parents of petitioner No.1 spent the entire expenses for marriage; It is submitted that they lived happily for 7 or 8 years and thereafter, at the instance of respondent No.1 they put up a separate family in a rented house and therefore, petitioner Nos.2 and 3 never interfered with the matrimonial life of petitioner No.1 and respondent No.1. Further it is submitted that respondent No.1 left matrimonial society of petitioner No.1 voluntarily by taking away all the gold and other household articles along with her as such she is not entitled for maintenance. Petitioner No.1 is working in Postal Department with loss of earnings and therefore,

he is depending upon petitioner Nos.2 and 3. However, he is ready to take back the respondents and also ready to maintain them if they are willing to join with him.

7. After appreciating the oral and documentary evidence and facts before it, the appellate Court has dismissed the appeal confirming the Judgment dated 21.04.2012 passed in D.V.C.No.15 of 2012 and petitioner No.1 is directed to pay the arrears of amount if any along with the compensation amount of Rs.1,00,000/- by way of deposit on the name of respondent No.1 within a period of two months. Aggrieved by the said order, the petitioners herein preferred the present criminal revision case.

8. Learned Assistant Public Prosecutor appearing for respondent-State would submit that the appellate 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.

9. 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.

10. Accordingly, this Criminal Revision Case is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- I.NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The V Additional Metropolitan sessions Judge, Nampalli, Hyderabad.(with records, if any)
2. The First Special Magistrate, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri. Mettu Govardhan Reddy, Advocate [OPUC]
5. Two CD Copies

DL/gh

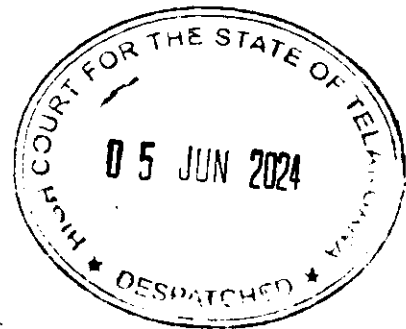


JS
HIGH COURT

DATED:05/01/2024

ORDER

CRLRC.No.420 of 2024



DISMISSING THE CrI.R.C.

⑧
28/5/24
JS