

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

**FRIDAY, THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 4938 OF 2025

Between:

JAGAN AJMEER, S/o. Bhikku, Aged about 47 years, Occ. Manager-Canara Bank, R/o. Canara Bank, Vijayapur South Branc Nagarjuna Sagar, Macherla Mandal, Guntur District, Andhra Pradesh.

...PETITIONER

AND

1. THE STATE OF TELANGANA, Through Public Prosecutor, High Court for the State of Telangana at Hyderabad
2. AJMEERA POOJITHA, W/o. Jagan Ajmeera, Aged about 38 years, Occ. Housewife, R/o. H. No.1-78/5/3/1, Plot No.22, Srinivasa Nagar, Street No.2, Bodupal, Ranga Reddy District - 500 092.
3. AJMEERA SAI CHANDRA, S/o. Jagan Ajmeera, Aged about 12 years, Occ. Student, R/o. H. No. 1-75/5/3/1, Plot No.22, Srinivasa Nagar, Street No.2, Boduppal, Ranga Reddy District - 500 092.

(Respondent no 3 Rep by Its Natural Mother/guardian by Respondent no .2)

...RESPONDENTS

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to QUASH the Order Dated 21.12.2024 in CrI.M.P. No.119 of 2024 in M.C. No.48 of 2023 on the file of Principal District and Sessions Judge Cum Family Court, Medchal-Malkajgiri District, at Kushaiguda as the same are untenable either on facts or under law

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS 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 order dated 21.12.2004 in CrI.M.P No.119/2024 in M.C. No.48 of 2023 on the file of Principal District and Sessions Judge Cum Family Court, Medchal-Malkajgiri District, at Kushaiguda, pending disposal of the Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAVINDER REDDY MUPPU, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and of Sri B.Sudhakar Reddy(not being present) for the Respondent No. 2 & 3

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.4938 OF 2025

ORDER:

This Criminal Petition is filed by the petitioner seeking to quash the order dated 21.12.2024 passed in CrI.M.P.No.119 of 2024 in M.C.No.48 of 2023 by the learned Principal District and Sessions Judge-cum-Family Court, Medchal-Malkajgiri District at Kushaiguda (for short "trial Court").

2. Heard the submissions of Sri Muppu Ravinder Reddy, learned counsel for the petitioner.

3. The learned petitioner counsel has submitted that the respondent No.2 herein is the second wife and that she has exaggerated the expenses required for her maintenance and has filed the petition before the trial Court with ulterior motives of extracting money and harassing the petitioner. He further submitted that the petitioner has to maintain his other two children born out of first wife and that he also has to maintain himself and that his net salary is only Rs.50,000/- therefore, paying the maintenance of Rs.24,000/- to the respondent Nos.2 and 3 would be too penurious on him and that the petitioner is already aggrieved

by the harassment made by the respondent No.2 – wife by filing series of cases against him. He further argued that the respondent No.2 is living in the house which was bought by the petitioner and that she also has her own earnings and thus, prayed to set aside the orders passed by the trial Court.

4. The respondent Nos.2 and 3 failed to appear in spite of service of notice.

5. Perused the record.

6. The record discloses that respondent No.2 herein is the legally wedded second wife of the petitioner herein and respondent No.3 is their son and that after the death of petitioner's first wife, he married respondent No.2 and the two children born out of the first wedlock of the petitioner are aged 23 years and 20 years respectively studying degree and engineering. It is further borne out by record that the petitioner herein is working in Syndicate bank and was transferred to Guntur District and after shifting there, he used to come down to Hyderabad to look after the welfare of respondent Nos.2 and 3 but since one year he stopped coming to Hyderabad, also further stopped communication on phone.

7. It is her further case that while the petitioner was working at Hyderabad, the Syndicate Bank has sanctioned Rs.50 lakhs towards housing loan for construction of house on plot No.22 and that the parents of respondent No.2 have financed the petitioner for purchase of the said land and now respondent No.2 is paying the property tax, electricity bills and also paying the school fees of respondent No.3 for which she has been borrowing money from her parents and is depending on her parents for maintenance of herself and her son, therefore, she sought for an amount of Rs.50,000/- per month towards interim maintenance. It is her case that the petitioner is earning a salary of Rs.1,50,000/- per month but still is neglecting respondent Nos.2 and 3.

8. The petitioner herein has also filed counter contesting the matter. He denied his earnings to be Rs.1,50,000/- and he stated that he has been paying housing loan and also he had taken certain top-up loans for constructing the house and that he is left with a salary of Rs.20,000/- per month and expressed his inability to provide maintenance for his wife and son who are respondent Nos.2 and 3 herein and prayed to dismiss the petition.

9. After hearing both the sides and perusing the record, the trial Court has granted maintenance of Rs.12,000/- to respondent No.2 and Rs.12,000/- to respondent No.3, thus in all Rs.24,000/- per month was awarded by the trial Court. Aggrieved by the same, the present petition is filed to quash the said orders.

10. Admittedly, respondent No.2 is the wife and respondent No.3 is the son of the petitioner herein. The salary slips filed by the petitioner disclose that he is working as Senior Manager in Canara Bank earning a salary of Rs.1,50,180/- and after making gross deductions of Rs.99,204/-, he is getting a net salary of Rs.50,976/-. Though the petitioner says that he has to maintain two children born out of the first wedlock, and he cannot escape the liability of maintaining the second wife and the minor son.

11. The order of the trial Court further discloses that the petitioner herein has filed assets and liabilities before the trial Court and it is mentioned that he is working as Senior Manager in Canara Bank and his monthly income is Rs.1,51,893/- and monthly expenditure is Rs.1,11,300/- and that he is having own open plot, owns a car and according to him, the respondent No.2 is a house wife. Thus, it is

elicited that the petitioner herein is well placed and even according to him he is getting a net salary of Rs.50,976/-.

12. In *Rajnesh v. Neha*¹, the Apex Court held that the wife and children are to be maintained on par with the standards in which the husband is living.

13. In view of the principles laid down in *Rajnesh*'s case, it is the bounden duty of the husband to maintain his wife and son and he cannot simply neglect them on the pretext that he is having meager earnings. Out of the said income of Rs.50,976/-, he says that he cannot spare Rs.24,000/- as granted by the trial Court granting interim maintenance. Admittedly, the respondent No.2 is a house wife and respondent No.3 is a minor son.

14. Thus, in view of the facts and circumstances of the case, it is opined that an amount of Rs.20,000/- per month (Rs.10,000/- per month to each) if granted towards the maintenance of both the respondent Nos.2 and 3, it would be justifiable in this case. Hence, the maintenance amount is reduced from Rs.24,000/- per month to Rs.20,000/- per month to meet the ends of justice.

¹ (2021) 2 SCC 324

15. In the result, the Criminal Petition is partly allowed by reducing the quantum of interim maintenance from that of Rs.24,000/- to Rs.20,000/- per month to respondent Nos.2 and 3 herein and the petitioner herein is directed to pay the same on or before 10th of every month to respondent Nos.2 and 3 herein.

Miscellaneous applications pending, if any, shall stand closed.

SD/- U.SUDHA
ASSISTANT REGISTRAR



//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District and Sessions Judge Cum Family Court, Medchal-Malkajgiri District, at Kushaiguda
2. One CC to SRI RAVINDER REDDY MUPPU Advocate [OPUC]
3. One CC to SRI B SUDHAKAR REDDY Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. **Two CD Copies**

VM/PSL

HIGH COURT

DATED: 01/08/2025

ORDER

CRLP.No.4938 of 2025



ALLOWING THE CRIMINAL PETITION IN PART

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ASV
28/10/25