

IN THE HIGH COURT FOR THE STATE OF TELANGANA

**THURSDAY, THE SIXTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 6941 OF 2025

Between:

1. Sree Ranga Phanikar, S/o Late A.Gopal Rao Aged about 60 years, occ. Retired Employee R/o H.No. 5-12-33/1, Thanushka Apartmnt Flat No. 302, Bathai Thota Veedhi, Opp. MEO Offie, Tuni, East Godavari district Andhra Pradesh.

...PETITIONER/ACCUSED(S)

AND

1. Smt. Laxmi Indira, W/o Sre Ranga Phanikar Aged 56 years, Occ. House Hold, R/o Presently at H.No.11-12-261, Plot No. 192 Near Anjaneya Swamy Temple, Road No.4 IT colony, SRK Puram, Saroorngar Mandal Ranga Reddy district-35
2. The State of Telangana, rep. by its Public prosecutor High Court for the state of Telangana, at Hyderabad.

...RESPONDENT/COMPLAINANTS

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 passed in Crl. MP No. 264 of 2024 in MC No. 148 of 2023 dated 25-4-2025 on the file of the Judge. Family Court. Ranga Reddy district at L.B. Nagar and to pass

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 Suspend the operation of the order passed in CrI. MP No. 264 of 2024 in MC No. 148 of 2023 dated 25-4-2025 on the file of the Judge, Family Court, Ranga Reddy district at L.B. Nagar Pending disposal of the Criminal Petition and to pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P M SAI KUMAR, Advocate for the Petitioner and Sri. Jithender Rao Veeramalla the Addl. Public Prosecutor (TG) on behalf of the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.6941 of 2025

ORDER:

This Criminal Petition is filed seeking to quash the order dated 25.04.2025 passed in MC No.148 of 2023 by the Family Court, Ranga Reddy District, L.B. Nagar, Hyderabad.

2. Heard Sri P.M. Sai Kumar, learned counsel for the petitioner and Sri K.R.K. Gargeya, learned counsel for the respondent No.1 and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor respondent No.2-State.

3. Learned counsel for the quash petitioner-husband has submitted that this is the second petition filed by the respondent No.1-wife seeking maintenance and that it is not maintainable. In case of any enhancement, the respondent No.1-wife is supposed to file for enhancement of maintenance amount, but not a fresh application. He, thus, contended that the petition needs to be dismissed, but the trial court has erroneously granted maintenance in this case. He, further submitted that there was a compromise memo during the pendency of maintenance case vide MC No.72 of 2007 which was entered on 16.04.2015 and as per the terms and conditions of the said compromise, an amount of Rs.5,00,000/- was

paid to the respondent No.1-wife in the MC and that even after the compromise, the respondent No.1-wife has violated the said terms and had not stayed together with the quash petitioner-husband. Therefore, he further submitted that the wife of the petitioner herein has neglected the family and thus, she is not entitled to any maintenance. He further submitted that a property was given to the wife by her father-in-law through a will deed to look after the welfare of the grandchild i.e. the son born to the petitioner herein and the respondent No.1-wife. Therefore, there is no necessity for the respondent No.1-wife to claim further maintenance. However, this is the second maintenance application which is not maintainable, and hence, prayed to set aside the orders of the trial court granting maintenance of Rs.15,000/- to the wife.

4. Learned counsel for the respondent No.1-wife, on the other hand, submitted that the original maintenance case was filed in 1992 and enhancement was made in 2007 and in 2015 a joint compromise memo was filed and as per the terms of the compromise, Rs.5,00,000/- was paid to meet the educational needs of the child and that another term under the compromise was that both of them should stay together. But, the said condition could not be complied with and both the parties could not live together and

she is living separately, the respondent No.1-wife needs maintenance and that she is neglected by both her husband and son. He, further submitted that she is a helpless woman and thus, has filed maintenance case and also a petition seeking interim maintenance which was allowed by the trial court based on sound reasoning. He therefore, prayed to dismiss the petition by upholding the orders of the trial court.

5. Perused the record.

6. The present case is the second maintenance application vide MC No.148 of 2023. Earlier, MC No.22 of 1992 was filed before Additional Judicial Magistrate of First Class, Ranga Reddy District, an amount of Rs.400/- was awarded to her and Rs.250/- to the child and later on it was enhanced to Rs.2,000/- in her favour on 1,000/- to her son from 29.03.2007 vide orders dated 01.02.2011 passed in Crl.M.P. No.32 of 2008 in MC No.72 of 2007. In the meantime, both the parties have entered into compromise and a joint compromise memo was filed. As per the terms of the joint compromise memo, both of them should live together under one roof and the respondent-husband has to pay Rs.5,00,000/- out of his retirement benefits towards the medical and surgery expenses of the petitioner-wife and as well as the educational expenses to the

petitioner No.2 and the same was accepted by both the parties. But, however, the condition No.1 could not be complied and they could not stay together. However, as per the second condition, the amount of Rs.5,00,000/- was paid out of the retirement benefits of the respondent-husband to the petitioner-wife.

7. The case of the petitioner-wife is that the said amount of Rs.5,00,000/- was expended towards the education of her son and that at present she was living alone on others mercy as her son is living separately on account of his job. It is not out of place to mention that the petitioner has undergone prolonged treatment in ICON Hospitals incurring more than Rs.2,50,000/- by raising funds from known persons as she underwent surgery, she is in need of Rs.30,000/- towards her monthly maintenance like medical expenses, food and shelter. Thus, it is clear that as per the conditions of the joint compromise memo, Rs.5,00,000/- was paid. It is contended by the respondent-husband that since he has complied with the said condition, he need not pay anything more than that. However, the contention of the petitioner-wife is that the entire amount of Rs.5,00,000/- was spent on the educational expenses of their son, she needs money for her medical needs and her maintenance. Admittedly, both parties are living separately and she

is a household lady. It is not the case of the respondent-husband that the petitioner-wife has source of income. In the absence of which, the lady who is living alone would require amounts to maintain herself and since this is a petition filed seeking interim maintenance, the trial court after considering the arguments extended by both the parties, has awarded an amount of Rs.15,000/- per month towards interim maintenance and also has ordered to pay the arrears of maintenance within three months and a lumpsum amount of Rs.10,000/- towards legal expenses within one month.

8. The learned counsel for the petitioner has relied upon the decision of the Apex Court in **Manish Tandon v. Ankita Bhutani**¹ contending that once a maintenance case is decided on merits and the maintenance is awarded, another petition under Section 125 Cr.P.C. is not maintainable and that they should only seek enhancement. It was held that:

"For the sake of arguments, even taking or assuming the contention of the petitioner to be correct that proceedings under Section 125 Cr.P.C. would have a civil flavour, Order 23 Rules 3 & 4 CPC does not act as an absolute bar to the filing of a subsequent petition under Section 125 Cr.P.C. claiming maintenance in the present factual matrix. It is not in dispute that right to maintenance is a recurring cause of

¹ 2017 LawSuit (P&H) 2449

action. Furthermore, the earlier petition filed by the respondent was not decided on merits. It cannot be denied that once there is no adjudication on the merits of a case, the second application would not necessarily be barred solely because of the withdrawal of the earlier petition. Furthermore, Section 125 Cr.P.C. is admittedly a Page 831 piece of beneficial legislation. Therefore, a restricted or a hypertechnical view in such matters is not to be countenanced.²

9. However, it is pertinent to take note of the fact that during the pendency of the earlier petition, a compromise petition was filed and the case was ended in compromise. As discussed above, one of the terms of the compromise that both the parties to live together turned out to be impossible and both of them got separated and the petitioner is living separately. Hence, the facts of the present case differ from the cited case and hence, the same is not applicable. The first petition filed by the petitioner-wife before the trial court was dismissed as withdrawn.

10. In **Rajnish v. Neha**² it was held that the wife, who has no income of source, is entitled to be maintained on par with the living standards of the husband.

11. It is also the contention of the husband-petitioner in this case that since a property is registered through a will deed by his

² (2021) 2 SCC 324

father in favour of the wife-respondent herein, no further maintenance need to be granted. However, it is borne out from the record that there was a gift deed made by the father of the husband-petitioner herein to their son. That means in favour of the grandson, the grandfather has given the property. It is further contended that the wife has sold away the said property and enjoyed the same. Here, a point has to be taken note of that whether the sale proceeds are enjoyed by her or were spent otherwise on the education and welfare of the son, can be adjudicated during the course of trial. This is only an order passed by the trial court in the interim application which is well justified. Hence, this Court need not delve deep into the said aspects and there is no need to interfere with the order of trial court. Therefore, the impugned order is upheld and the criminal petition is liable to be dismissed.

12. Accordingly, the criminal petition is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.

SD/- S MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Family Court, Ranga Reddy district at L.B. Nagar, Ranga Reddy district.
2. One CC to SRI. P M SAI KUMAR Advocate [OPUC]
3. One CC to SRI. K R K GARGEYA Advocate [OPUC]

4. Two CD Copies

ABK

HIGH COURT

DATED:16/10/2025



DISMISSED

CRLP.No.6941 of 2025

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ASU
31/10/25