IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL REVISION CASE NO: 960 OF 2024

Criminal Revision Case filed under Section 438 & 442 of BNSS, 2023 against the Judgment dated 24.07.2024 made in CRL.M.P. No.322 of 2022 in DVC No.16 of 2022 on the file of the Court of the IV Metropolitan Magistrate, (Traffic Mobile Court), at Hyderabad.

Between:

Mr. Preetam Powaku, S/o. Late. P. Venkat Rao, aged 43 years, Occ. Collection Agent, R/o. 1-11-219/1/A, Flat No. 602, Samala Royal Apartment, Street No. 4, Gurumurthy Lane, S.P. Road, Begumpet, Hyderabad - 500016. (T.S.)

...Petitioner/Accused

AND

1. State of Telangana, Rep. by its Public Prosecutor TS High Court Buildings, Hyderabad.
2. Smt. Radhika Powaku, W/o. Preetam Powaku, aged about 39 years, Occ. House wife, R/o. 1-10-608, Nehru Nagar, East Marredpally, Secunderabad - 5000 (T.S.)
3. Smt. Powaku Dhayamma, W/o. Late. P. Venkat Rao, aged about 72 years, Occ. House Wife, R/o. 1-11-219/1/A, Flat No. 602, Samala Royal Apartment, Street No. 4, Gurumurthy Lane, S.P. Road, Begumpet, Hyderabad. (Not a necessary party)

...Respondents/Complainant

IA NO: 1 OF 2024

Petition under Section 438 & 442 of BNSS, 2023 praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of order in Crl MP No.322 of 2022 in DVC No.16 of 2022 on the file of the IV Metropolitan Magistrate at Hyderabad till pending disposal of the main appeal.

IA NO: 2 OF 2024

Petition under Section 528 of BNSS praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent to pay immediate a sum of Rs. 10,35,000/- towards interim maintenance including arrears forthwith by impose penalty for the default of payment of maintenance to the Petitioner as per law.

Counsel for the Petitioner : Sri. N Vinesh Raj

Counsel for the Respondent No. 1 : Sri D. Arun Kumar
Additional Public Prosecutor

Counsel for the Respondent No. 2 : Sri Nooty Vasishta Venkateshwarlu

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL REVISION CASE No.960 of 2024

DATE: 01.12.2025

BETWEEN:

Mr. Preetam Powaku

.....petitioner/accused

And

State of Telangana,
Rep. by its Public Prosecutor,
TS High Court Buildings, Hyderabad and others

.....Respondents/complainant

ORDER

This Criminal Revision Case is filed challenging the order dated 24.07.2024 passed in Crl.M.P.No.322 of 2022 in DVC.No.16 of 2022 by the learned IV Metropolitan Magistrate, (Traffic Mobile Court), Hyderabad.

2. The brief facts of the case are that respondent No.2/wife had married the petitioner/husband on 27.07.2017 and two daughters were born from the wedlock, but respondent No.2 alleged that she was subjected to domestic violence and was ultimately driven out of the house, which led her to seek interim maintenance of Rs.3,00,000/- per month for herself and the two minor children. The petitioner admitted the marital relationship but denied all allegations of domestic violence, contended that respondent No.2 was capable of maintaining herself as she allegedly ran a consultancy, and further claimed that the petitioner had already been paying school fees, weekly expenses and other amounts for the children; he also asserted that his employment had ended due to the complaints of respondent No.2 and that he presently earned only Rs.20,000/- as an independent consultant. Upon considering the affidavits of disclosure of assets and liabilities, the absence of supporting material from both sides, the children's medical needs, the petitioner's previous high salary and his failure to disclose his true income, the trial Court drew an adverse inference against him and held

that although respondent No.2 was educated, her earning capacity alone did not disentitle her to maintenance, however, the amount claimed was found to be exorbitant. Consequently, the trial Court partly allowed and directed the petitioner to pay Rs.20,000/- per month to respondent No.2 and Rs.10,000/- per month each to the two children towards interim maintenance from the date of the application. Aggrieved thereby, the petitioner/husband filed the present criminal revision case.

3. Heard Sri N. Vinesh Raj, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of respondent - State and Sri Nooty Vasishta Venkateshwarlu, learned counsel appearing on behalf of respondent No.2.

4. Learned counsel for the petitioner had submitted that the appellate order was contrary to law and the evidence on record, particularly the petitioner's Income Tax Return for 2023–24 showing an annual income of only Rs.3,38,940/-, which made the award of Rs.35,000/- per month wholly impracticable. He further submitted that the lower appellate

Court failed to appreciate the limited income of the petitioner, his unemployment caused by the respondent-wife's repeated complaints to his employers, and the consequent disruption of his career and mental well-being. He contended that respondent No.2 had sabotaged the professional prospects of the petitioner and could not now rely on his past earnings to claim higher maintenance and that the respondent had already been granted Rs.15,000/- per month in earlier proceedings, which the appellate Court ignored, and that maintenance must be proportionate to the actual income of the husband. He further contended that the petitioner had even obtained an injunction restraining the respondent from defaming him professionally and submitted that the respondent, being well-educated and previously employed, was capable of earning. Therefore, he prayed the Court to set aside the impugned order of the trial Court by allowing this Criminal Revision Case.

5. On the other hand, learned counsel for Respondent No.2 submitted that respondent No.2 had filed an application seeking interim maintenance for herself and her two minor daughters, who required regular medication and

whose day-to-day expenses she was unable to meet due to complete financial neglect by the husband and that despite the Court granting interim maintenance of Rs.40,000/- per month from the date of the application, the petitioner-husband had not paid even a single rupee and had wilfully violated the orders of the Court, resulting in arrears exceeding Rs.10,00,000/-. He further submitted that the husband continuously harassed the wife and children, abandoned them in 2019, threatened to shift the children to inferior schools under the false pretext of financial difficulty, and pressured the wife to sign documents sent through his friend to coerce her into a settlement so he could pursue an extramarital relationship. He contended that the children's schooling had suffered severely due to the husband's non-payment of fees, leading to suspension of online classes, inability to take exams, and repeated humiliation in borrowing books from classmates, while the wife, a homemaker for 13 years, was forced to borrow money for basic necessities. He further contended that the false claims of the petitioner-husband of financial hardship were contradicted by his conduct, including his strategized

partial payment of school fees to mislead the Court, and that his continued neglect caused serious emotional and educational trauma to the children. Therefore, there is no illegality in the order of the trial Court and the trial Court has rightly passed the impugned order, as such, he prayed the Court to dismiss the criminal revision case.

6. In the light of the submissions made by both the learned counsel and on a perusal of the material available on record, it appears that respondent No.2 had not preferred any appeal or revision against the order passed by the trial Court, and it is only the petitioner who carried the matter in appeal before the lower appellate Court and has now approached this Court by way of revision. It is noticed that in the parallel proceedings, the Magistrate in M.C. had awarded maintenance of Rs.15,000/- per month, whereas in the DVC proceedings the trial Court had awarded an amount of Rs.40,000/- per month, which was modified by the appellate Court to Rs.35,000/- per month. The petitioner has specifically contended that due to the conduct of respondent No.2, particularly sending e-mails to his employer, he had lost employment on multiple occasions,

which materially affected his earning capacity; and even respondent No. 2 had admitted that such e-mails were sent. The Income Tax Returns placed on record also disclose that the petitioner's current income is substantially lower than what was presumed by the Courts below.

7. Considering the facts and submissions of the case, this Court is of the opinion that the quantum awarded by the appellate Court is exorbitant and disproportionate to the petitioner's established income on record. Therefore, the finding of the trial Court that the respondents are entitled to maintenance does not need to be changed. However, the amount granted needs to be revised so that it is fair to both parties and is an amount that the petitioner can realistically pay. Accordingly, the amount payable to respondent No.2-wife is reduced from Rs.15,000/- to Rs.10,000/- per month in total, and the petitioner shall continue to pay Rs.10,000/- each to the two minor children as directed by the trial Court, payable from the date of the original petition before the trial Court. Except for the above modification in the quantum of maintenance, the remaining findings and directions of the Courts below stand confirmed.

8. With the above modification, this Criminal Revision Case is disposed of.

Miscellaneous applications, if any pending, shall stand closed.

SD/- K.AMMAJI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Metropolitan Magistrate, (Traffic Mobile Court), at Hyderabad.
2. One CC to Sri. N Vinesh Raj, Advocate [OPUC]
3. One CC to Sri Nooty Vasishta Venkateshwarlu, Advocate [OPUC]
4. Two CD Copies

DL/PSL

HIGH COURT

DATED:01/12/2025

ORDER

CRLRC.No.960 of 2024



CRIMINAL REVISION CASE IS DISPOSED OF

GMT
12/12/25