

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 2940 OF 2025



Between:

J. Mohammed Jaffer, S/o. Sayed Jamaluddin, Aged about 31 years, Private Employee R/o. D No. 4/1, 3rd Cross Street, Abdul Kalam Azad Street, Ariyanvoyal Village, Ponner Taluk, Thiruvallur District, Tamil Nadu Dist.

...PETITIONER/1st RESPONDENT

AND

1. Mohammed Fouziya, W/o. J Mohammed Jaffer, Aged about 32 years.
2. M Sayed Kareemulla, S/o. J Mohammed Jaffer, Minor, Aged about 10 years, his natural guardian/ mother Mohammed Fouziya
3. Mohammed Aashiq, S/o. J Mohammed Jaffer, Minor, Aged about 9 years, his natural guardian/ mother M Fouziya. Respondents 1 to 3 all are R/o. Rajiv Nagar, C L Naidu Palle Post, Varadaiahpalem Mandal, Chittoor Dist.

...PETITIONERS/RESPONDENTS/AGGRIEVED PERSONS

4. State of Andhra Pradesh, Rep by Its Public Prosecutor, High Court Bldgs, Velagapudi Guntur District, Amaravati.

...RESPONDENT

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 call for the records relating to docket order dated 27.2.2025 passed in CRL.MP.No.32/2025 in DVC.No.3/2020 on the file of Judicial First Class Magistrate, Sathyavedu and quash the same as illegal.

I.A. NO: 1 OF 2025

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of al further proceedings in CRL MP No. 32/2025 in DVC No. 3/2020 on the file of Judicial First Class Magistrate, Sathyavedu pending disposal of the above CRL.RC.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T JANARDHAN RAO, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.4 and none appears for the Respondent No.1 to 3.

The Court made the following:



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

**WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 2940/2025

Between:

J. Mohammed Jaffer

...PETITIONER/ACCUSED

AND

Mohammed Fouziya and Others

...RESPONDENT/COMPLAINANT(S)

Counsel for the Petitioner/accused:

1.T JANARDHAN RAO

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR

2.

The Court made the following:

THE HON'BLE SRI JUSTICE HARINATH.N**CRIMINAL PETITION No.2940 OF 2025****ORDER:**

1. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor appearing for the State.
2. The petitioner is aggrieved by the docket order, dated 27.02.2025, in Crl. M.P. No. 32 of 2025 in D.V.C. No. 3 of 2020, passed by the Judicial First Class Magistrate, Sathyavedu, directing payment of arrears amounting to Rs.10,00,000/- for 50 months, at the rate of Rs.20,000/- per month.
3. The learned counsel for the petitioner submits that in D.V.C.No.3 of 2020, the petitioner was set ex parte and passed an order dated 18.01.2024 granting monthly maintenance at Rs.10,000/- for the 1st petitioner and Rs.5,000/- each for petitioners 2 and 3, who are the minor children, totaling Rs.10,000/-. Aggrieved by the same, the petitioner filed Crl.A.No.30 of 2024 before the XII Additional District & Sessions Judge, Chittoor, which was dismissed on 06.09.2024. Subsequently, a criminal revision case was filed before this Court, and the same is pending.
4. Consequent upon the failure of the petitioner to comply with the order passed in D.V.C. for the past 50 months, i.e., from the date of the petition i.e., 21.10.2020, respondents 1 to 3 herein filed Crl. M.P. No. 32 of 2025 in D.V.C. No. 3 of 2020, wherein the petitioner was directed to

pay arrears of maintenance. The learned counsel for the petitioner submits that the petitioner was not given an opportunity to file a counter in the CrI. M.P.

5. Admittedly, the petitioner is liable to pay maintenance for the last 50 months, commencing from 21.10.2020. Upon perusal of the order, this Court finds that the learned Magistrate has rightly considered the issue and passed the impugned order and finds no ground to interfere with docket the order passed by the learned Magistrate, and as such, the criminal petition is devoid of merits.
6. Hence, the criminal petition is dismissed.
7. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Sd/- K J RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Sathyavedu.
2. One CC to SRI T JANARDHAN RAO Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
4. THREE CD Copies

Pmg

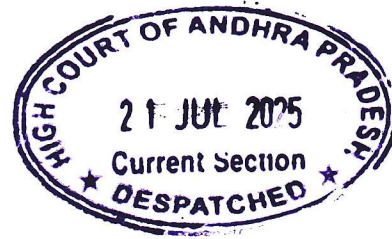
AL

HIGH COURT

DATED:19/03/2025

ORDER

CRLP.No.2940 of 2025



DISMISSING THE CRLP