



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

[3396]

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL REVISION CASE NO: 404/2023

Between:

1. SRI SHAIK RASHEED, S/O (LATE) SHAIK SARDAR, MUSLIM, AGED 36 YEARS, STEEL PLANT EMPLOYEE, R/O FLAT NO.S-1, SAI AMRUTHA KRISHNA KUMARI ENCLAVE, GOPAL NAGAR, BANK COLONY, VIZIANAGARAM

...PETITIONER

AND

1. SMT SHAIK NASREEN SULTANA, W/O SHAIK RASHEED, MUSLIM, AGED 32 YEARS, HOUSEWIFE, R/O D.NO.32-12-119, MIG-B-I3, SUBHANI ENCLAVE, GROUND FLOOR, SHEELA NAGAR, 131-1PV POST, GAJUWAKA, VISAKHAPATNAM.

2. CHY SHAIK MOHAMMAD SARDAR AMAN, S/O SHAIK RASHEED, AGED 07 YEARS, REST -DO-.

3. CHY SHAIK MOHAMMAD SHAHID RAZA, S/O SHAIK RASHEED, AGED 04 YEARS, REST -DO-. (THE RESPONDENTS 2 AND 3 BEING MINORS REP. BY THE RESPONDENT BY THEIR MOTHER THE 1ST PETITIONER)

4. STATE, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF A.P, AMARAVATHI.

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to set aside the order of the Family Court, Vishakhapatnam in M.P.88/2022 in MC.1397/2021 Dt.12-01- 2023 and pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 26 days in filing the CrI.R.C. against the orders in M.P.88/2022 in F.C.O.P. 1397/2021 Dt.12-01-2023 on the file of the Family Court Visakhapatnam pending disposal of the main Revision and pass

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with the filing of the certified copy of the Order

in M.P. 88/2022 in F.C.O.P. 1397/2021 Dt.12-01-2023 on the file of the Family Court-cum-V Addl. District Judge, Visakhapatnam and pass

IA NO: 3 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the order in M.P. 88/2022 in F.C.O.P. 1397/2021 Dt.12-01-2023 on the file of the Family Court Visakhapatnam pending disposal of the main Revision and pass

Counsel for the Petitioner:

1. S A V RATNAM

Counsel for the Respondent(S):

1. SIVA NAGARJUNA SIDHADAPU

2. PUBLIC PROSECUTOR (AP)

The Court made the following:**ORDER:**

This Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure (for short 'Cr.P.C.') is filed by the Petitioner/Respondent aggrieved by the Order dated 12.01.2023 passed in M.P.No.88 of 2022 in FCOP No.1397 of 2021 on the file of the Court of the Family Judge-cum-V Additional District Judge, Visakhapatnam.

2. The brief facts of the case as per the material on record are that:

i) the Petitioner herein and respondent No.1 herein are the legally wedded husband and wife respectively. Respondents 2 and 3 are the legitimate sons of the couple. The petitioner and respondent No.1 belonged to Muslim religion and they are the distant relatives. At the time of marriage, the parents of respondent No.1 presented cash of Rs.3,00,000/-, gold ornaments and motor cycle and incurred marriage expenses to an amount of Rs.3,00,000/-.

ii) After the marriage, the in-laws of respondent No.1 used to harass her for bringing additional dowry. At the instigation of his mother and sister, petitioner used to beat her black and blue. Petitioner/husband addicted to bad vices of drinking, womanising and used to come to house at late nights in a drunken state. When questioned, petitioner used to beat the respondent No.1. Petitioner did not provide minimum requirements to respondents 1 to 3 and completely deserted them since June, 2019 and she is staying at her parents' house along with respondents 2 and 3.

iii) Petitioner/husband issued a legal notice dated 06.07.2020 to respondent No.1 for restitution of conjugal rights and the respondent No.1 issued a reply notice to Petitioner on 16.07.2020.

iv) The Respondent No.1 /wife lodged a complaint against the petitioner and his parents on 22.06.2021, which is registered as a case in Crime No.831 of 2021 for the offences punishable under Sections 498-A read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

v) At the relevant point of time, Petitioner /husband is working in Visakhapatnam Steel Plant, Visakhapatnam and used to get Rs.60,000/- per month besides having movable and immovable properties at his native place at Srikakulam. Whereas, the respondent No.1 is suffering with ailments and completely dependent on her parents along with the children.

vi) Respondents filed a petition under Section 125 Cr.P.C. seeking maintenance *vide* FCOP No.1397 of 2021 on the file of the Court of the Family Judge-cum-V Additional District Judge, Visakhapatnam. In the said FCOP, Respondents 1 to 3 filed OP MP No.88 of 2022 seeking interim maintenance of Rs.30,000/- per month to them for their shelter, maintenance and other expenses.

vii) The Learned Family Judge, having considered the facts of the case and considering the submissions of both the parties, by Order dated 12.01.2023 in MP No.88 of 2022 granted interim maintenance of 8,000/- per month to the respondent No.1/wife and Rs.2,000/- per month each to the respondents 2 and 3/sons from the date of the petition.

viii) Aggrieved thereby, the Petitioner/husband filed the present Criminal Revision Case seeking to set aside the order impugned.

3. Heard Smt.S.A.V.Ratnam, learned counsel for the Petitioner/husband, Sri Siva Nagarjuna Sidhadapu, learned counsel for the respondents 1 to 3 and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for respondent No.3/State. Perused the material on record.

4. Learned counsel for the Petitioner would submit that the learned Family Judge granted high amount of maintenance to the Petitioner without considering the financial condition of the Petitioner and that the order impugned is illegal and improper. Learned counsel would submit that petitioner and respondent No.1 are distant relatives and after marriage, the respondent No.1 insisted the Petitioner /husband to set up a separate family at Visakhapantam and on that pretext, she used to pick up quarrel unnecessarily with the petitioner and his family members and used to her parents' house and stay there for longer time. Learned counsel would submit that on the advice of the elders in the mediation held on 25.09.2016, the coupled lived for some together and again the disputes arose between them and respondent No.1 left the company of the Petitioner and lodged a false complaint against the petitioner and his family members. Further, the learned Family Judge erred in considering the aspect that respondent No.1 is a post graduate in M.Com and working in a school and getting a salary of Rs.25,000/- per month and no necessity to pay maintenance as she got sufficient means. Learned counsel would finally submit that the order impugned is liable to be set aside.

5. On the other hand, learned counsel for the respondents 1 to 3 would submit that the learned Family Judge rightly granted interim maintenance to the respondents 1 to 3 for their maintenance after considering the fact that the respondents 2 and 3 are minors and the respondent No.1/wife is purely dependant on her parents along with her children. Learned counsel would submit that the order impugned does not warrant any interference.

6. Learned Assistant Public Prosecutor while supporting the version of the learned counsel for respondents 1 to 3, would submit that the Court may pass appropriate orders.

7. Considering the submissions made, cogently, the petitioner and the respondent No.1 in one voice admitted their marriage and the paternity of respondents 2 and 3. The allegations of cruelty and harassment meted out in the hands of the Petitioner/husband and his parents for bringing additional dowry and for other reasons are the subject matter of the criminal case lodged against them, which was registered for the offence under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

8. Be that as it may, the respondent No.1 filed the present FCOP seeking maintenance to her and respondents 2 and 3. Undisputedly, Petitioner/Husband is an employee in Visakhapatnam Steel Plant, Visakhapatnam and is getting monthly salary. No doubt, the order impugned is passed in the MP No.88 of 2022 as an interim measure till disposal of the main FCOP. Admittedly, respondent No.1 is suffering with ailments and as per the material on record, the respondents 2 and 3/sons are minors and they also to be maintained for the daily needs. Considering all the above facts, the interim maintenance amount of Rs.8,000/- to respondent

No.1/wife and Rs.2,000/- each to respondents /sons is granted by the learned Family Judge by way of the order impugned. The total interim maintenance amount granted to the respondents 1 to 3 is Rs.12,000/-.

9. As can be seen from the order impugned, in the absence of adducing any evidence by the parties, the learned Family Judge by relying on the pleadings and oral submissions, granted interim maintenance.

10. In that view, without causing any prejudice to the rights and contentions of both parties, this Criminal Revision Case is disposed of. Learned Family Judge - cum-V Additional District Judge, Visakhapatnam, is directed to dispose of the main FCOP No.1397 of 2021 itself as expeditiously as possible preferably within two months from the date of receipt of a copy of this Court, without granting any adjournments in a casual manner on mere asking and without being influenced by the observations if any made in this Order.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

19.02.2026
Mjl/*

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

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19.02.2026

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