

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**MONDAY THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 7789 OF 2023



Between:

Gunnam Ravi Kumar, S/o. Subba Rao, Aged about 40 years, employee in Suven Life Sciences Ltd., Working as Senior Executive SDE Suven Chambers, 6th Floor, Road No.5, Banjara Hills, Hyderabad.

...PETITIONER/ACCUSED

AND

1. Gunnam Suneetha Devi (died)., a
2. Gunnam Harshini Devi, D/o. Gunnam Ravi Kumar, C/o.Palacherla Ananthalakshmi Satyavani, aged 20 years, D.No.16-5-1, Mandapeta Town, East Godavari District.
3. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court Buildings, Amaravathi.

...RESPONDENT/COMPLAINANTS

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 quash all further proceedings in CrI.MP.No.49 of 2022 or any other petitions in M.C.No. 12 of 2015 on the file of the court of the Judicial First Class Magistrate, Alamuru holding that the cause in MC.No.12/2015 no longer survives in terms of Section 125(1)(c) of Cr.P.C.

I.A. NO: 1 OF 2023

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 all further proceedings in M.C.NO. 12 OF 2015 on the file of the Court of the Judicial First Class Magistrate, Alamuru, pending the Criminal Petition before this Hon'ble Court

I.A. NO: 2 OF 2023

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 the arrest of the petitioner in connection with M.C.NO. 12 OF 2015 on the file of the Court of the Judicial First Class Magistrate, Alamuru

This Petition coming on for hearing upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Raja Reddy Koneti ,Advocate for the Petitioner and the Public Prosecutor (AP) on behalf of the Respondent

The Court made the following:



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

[3457]

**MONDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 7789/2023

Between:

Gunnam Ravi Kumar,

...PETITIONER/ACCUSED

AND

**Gunnam Suneetha Devi Died and
Others**

...RESPONDENT/COMPLAINANT(S)

Counsel for the Petitioner/accused:

1.RAJA REDDY KONETI

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR (AP)

2.

The Court made the following Order:

The petitioner is seeking a direction to quash CrI.M.P. No. 49 of 2022 or any other petition in M.C. No. 12 of 2015 on the file of the Judicial First Class Magistrate, Alamuru.

2. The learned counsel for the petitioner submits that, as directed by this Court, notice was sent to the 2nd respondent, and the same was returned unserved with an endorsement "unclaimed". There is no representation for the

2nd respondent today. It is submitted that the 1st petitioner before the trial Court is the wife of the petitioner, and the 2nd petitioner before the trial Court is the daughter of the petitioner. During the pendency of the maintenance case, the petitioner's wife passed away, and the 2nd petitioner continued the proceedings. It is also submitted that the 2nd petitioner attained the age of majority on 18.10.2021, and as such, the proceedings under Section 125 of Cr.P.C. could not have been continued.

3. Be that as it may, the 2nd petitioner has filed CrI.M.P. No. 49 of 2022 in M.C. No. 12 of 2015, claiming an amount of Rs. 4,34,302/- from the petitioner towards future educational expenditure. The learned Magistrate has issued a non-bailable warrant against the petitioner herein. It is submitted that the petitioner, aggrieved by the filing of such proceedings, has filed the present petition seeking the quashment of proceedings in CrI.M.P. No. 49 of 2022 and also to declare the proceedings in M.C. No. 12 of 2015 as null and void, as the petition would not survive on account of the 2nd petitioner attaining the age of majority. The NBW issued against the petitioner was executed, and only after the payment of 50% of the amount as sought by the 2nd respondent, the warrant was recalled by the learned Magistrate. The petitioner deposited an amount of Rs. 2,51,000/- towards part satisfaction, and the non-bailable warrant issued against the petitioner were cancelled on execution of a personal bond of Rs. 50,000/- with two sureties.

4. The learned counsel appearing for the petitioner placed reliance on the judgment of the Hon'ble Supreme Court in the matter of **Abhilasha Vs Parkash and others**¹, wherein the Hon'ble Supreme Court has held that:

"The unmarried daughter who attained majority and not suffering from any physical or mental abnormality/injury is not entitled to claim maintenance under Section 125 of Cr.P.C, however the unmarried Hindu daughter unable to maintain herself even after attaining majority can claim maintenance from her father till she is married by filing application/suit under Section 20 of Act of 1956".

5. The present proceedings are initiated while the 2nd respondent's mother was alive and the 2nd respondent was a minor. It is submitted that the petitioner is not in arrears of any maintenance that was initially imposed in M.C. No. 12 of 2015. It is also submitted that the petitioner is willing to comply with the arrears of maintenance if at all any amount is due.

6. Recording the same and considering the law laid down by the Hon'ble Supreme Court, the proceedings in Crl.M.P. No. 49 of 2022 pending on the file of the Judicial First Class Magistrate, Alamuru, are hereby set aside, and M.C. No. 12 of 2015 shall also be closed on account of the 2nd respondent having reached the age of majority. This Court makes it clear that the 2nd respondent is at liberty to take steps in accordance with Section 20 of the Act, 1956, by initiating proceedings against the petitioner. In the event that, the 2nd respondent initiates further steps under Section 20 of the Act, 1956, the same shall be decided on its own merits.

¹AIR 2020 SUPREME COURT 4355
SUPREME COURT

7. With these observations, this Criminal Petition is allowed.

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

**Sd/- P. VINOD KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

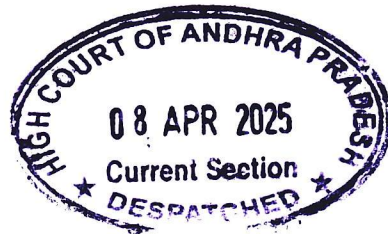
1. The District Judge Rajamahendravaram East Godavari District.
2. The Judicial First Class Magistrate, Alamuru East Godavari District.
3. One CC to Sri Raja Reddy Koneti, Advocate [OPUC]
4. Two CC's to The Public Prosecutor, High Court of Andhra Pradesh [OUT]
5. Three CD Copies.

HIGH COURT

DATED :10/03/2025

ORDER

CRLP.No.7789 of 2023



ALLOWING THE CRLP