

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 4069 OF 2025

Between:

Mohammed Khaja Zameeruddin, S/o. Mohd. Khaja Salahuddin, aged 33 years, Occupation Pvt. Service, R/o. H.No. 11-20-86, Shanti Nagar, Afzalila Masjid, Kashibugga, VTC Warangal, L.B.Nagar, Warangal, 506002.

...Petitioner/Respondent

AND

1. Smt. Samra Sanober, W/o. Mohammed Khaja Zameeruddin, D/o. Syed Junaid Nzeer, age 24 years, Occ. Pvt. Emp. H.No. 12-2-361/A, Murad Nagar, Hyderabad.
2. Mohammed Khaja Moinuddin, S/o. Mohammed Khaja Zameeruddin, age 7 years, Occ. Student, H.No. 12-2-361/A, Murad Nagar, Hyderabad.
Respondent No. 2, being minor Rep. by his Natural mother i.e., Samra Sanober.

...Respondent/Complainant

3. State of Telangana, rep. by the Public Prosecutor - High Court, Telangana at Hyderabad.

...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 allow the present Criminal Petition by Quash the Order dated 16.12.2024, passed in M.P.No.347 of 2024, in M.C.No.06 of 2024, on the file of the Judge, I Additional Family Court -Cum-XIV Additional Metropolitan Sessions Judge, at Hyderabad.

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 order dated 16.12.2024 passed in M.P.No.347 of 2024, in M.C.No.06 of 2024, on the file of the Judge, I Additional Family Court - Cum -XIV Additional Metropolitan Sessions Judge, at Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri L.N BHADRIRAJU, Advocate for the Petitioner and the Sri Jithendra Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.3, and of Sri D.Vijay Kumar, Advocate for the Respondent Nos.1 and 2.

The Court made the following: ORDER

THE HON'BLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.4069 of 2025

ORDER:

This Criminal Petition is filed by the petitioner-respondent seeking to quash the order dated 16.12.2024 passed in MP No.347 of 2024 in MC No.06 of 2024 by the Judge, I-Additional Family Court cum XIV Additional Metropolitan Sessions Judge, Hyderabad.

2. Heard Sri L.N. Bhadriraju, learned counsel for the petitioner, Sri D. Vijay Kumar, learned counsel for the respondent Nos.1 and 2, and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent No.3.

3. The learned counsel for the petitioner-husband has submitted that the petitioner has taken care of his wife very well, but she left his society on her own and that he used to work at Dubai and used to get good salary, but due to the cases filed by the respondent No.1-wife, on his arrival to the Airport in India, he was taken into custody and later he was released on bail and thus, he lost his job and is not having any earnings right now and therefore, prayed to set aside the orders passed by the trial court whereunder Rs.40,000/- per month has been granted to the respondent Nos.1 and 2, who are his wife and son, towards their maintenance.

4. The learned counsel for the respondent Nos.1 and 2 has submitted that ever since the day of separation, the petitioner has not paid a single pie to the respondent Nos.1 and 2. He further submitted that he subjected the respondent No.1 to cruelty and harassed her both physically and mentally and due to the unbearable harassment, the respondent No.1 has to leave the society of the petitioner and that she is taking care of their 7 year old son whose educational expenses are on the rise and that considering the said factual aspects, the trial court has rightly granted maintenance of Rs.40,000/- per month and therefore, he prayed to uphold the same.

5. The parties hereinafter are referred to as they were arrayed before the trial court.

6. Perused the record.

7. Admittedly, the relationship between the petitioner No.1-wife and the respondent-husband is strained due to various reasons and disputes in the family life and thus, they are living separately since 2017. In spite of the reconciliation meetings, nothing could be resolved between both the parties and hence, the petitioner No.1-wife is staying at her parental house with the minor son. The

petitioner No.1, therefore, needs money for the maintenance of herself and also the minor son, who is in requirement of good education, health and overall development. Therefore, she filed the petition praying to grant an amount of Rs.85,000/- per month towards interim maintenance.

8. It is the contention of the petitioner No.1 that the respondent is employed at Saudi Arabia as Lighting Control Manager at ACE (UNESCO Heritage Atturaif Living Museum AD-Diriyah), ACE-Automation Control and Energy Systems and his monthly income is more than Rs.5,00,000/-. On the other hand, the contention of the respondent is that the petitioner No.1 is a well educated lady and is a private employee and is earning good amount and thus, she does not need any amount to maintain herself. It is his further contention that he is ready to maintain the minor son and also would accept the society of petitioner No.1, if she comes down to join him, but the petitioner No.1 is not willing to do so. The contention of the respondent is that since petitioner No.1 has earnings of her own, no maintenance need be granted to her. The assets and liabilities statement filed by the petitioner No.1-wife discloses her qualification as Intermediate. She has not disclosed her income in the said statement, but she stated to be a private

employee in the cause title of the present petition. In the said statement, the information provided by her in respect of her spouse i.e. the respondent, it is stated that he is a B.Tech., graduate in Electronics and that he is working as Lighting Control Manager at ACE, (UNESCO Heritage Atturaif Living Museum AD-Diriyah) at Dubai and his earnings are shown to be Rs.5,00,000/- per month. On the other hand, the respondent has filed his assets and liabilities statement disclosing that he is right now working as a daily wage earner in a Kirana shop and is earning Rs.8,000/- per month and further that he has taken Rs.6,00,000/- loan for the purpose of treatment of his father and he alleges that the petitioner No.1 is working in a private sector and also giving home tuitions and earning Rs.18,000/- per month and that her qualification is intermediate.

9. Thus, it is made out that both the parties have not stated the truth in their assets and liabilities statements. It is contended that the petitioner No.1 has passed out intermediate and is earning Rs.18,000/- per month. But whereas the respondent, who is a B.Tech., Graduate, who was working as a Lighting Control Manager and was earning Rs.5,00,000/-, right now earning Rs.8,000/- per month as a daily wage worker in a Kirana shop, which appears to be far from truth. The petitioner No.1 has arrayed herself to be a private

employee in the cause title of the petition filed by her, but has stated that she is not earning anything. Thus, the truth in the averments can be made out only after a full-fledged trial. However, the impugned order of the trial court granting interim maintenance at Rs.40,000/- per month to the petitioners i.e. the wife and son of the respondent. is found to be somewhat excess than required because the petitioner No.1 also is shown to be an earning person. Though no proof of her earnings is filed, since she is arrayed as a private employee some amount of earnings can be expected from her side. Hence, providing maintenance of Rs.30,000/- per month appears to be sufficient for the maintenance of the petitioner No.1 and her son, who is 7 years old.

10. Therefore, the criminal petition is partly allowed and the amount of maintenance of Rs.40,000/- awarded by the trial court *vide* impugned order is reduced to Rs.30,000/-.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Family Court-cum-XIV Additional Metropolitan Sessions Judge, Hyderabad.
2. The Station House Officer, Inthegar Gunj Police Station, Warangal District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI L.N.BHADRI RAJU, Advocate [OPUC]

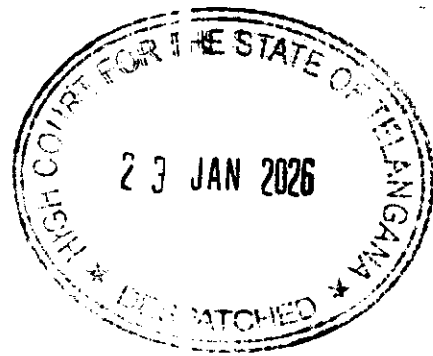
5. One CC to SRI DIDA VIJAYA KUMAR, Advocate [OPUC]
6. Two CD Copies

NVB/PSL

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HIGH COURT

DATED:25/11/2025



ORDER

CRLP.No.4069 of 2025

PARTLY ALLOWING THE CRIMINAL PETITION

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16/12/25