

[3444]

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

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

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 8364 OF 2025

Between:

Vadla Nagesh, S/o. Narayan, Age: 42 Years, Occupation: Police Constable, R/o. H.No. 1-31, Kanman Kalwa, Chowdapur Village, Kulkacharla Mandal, Vikarabad District.

...PETITIONER/RESPONDENT

AND

1. State of Telangana, Represented by Public Prosecutor, High Court, Hyderabad.
 2. Smt. Vadla Jaya Sree @ Anitha, W/o. V. Nagesh, Age: 36 Years, Occupation: Housewife
 3. Master Vadla Chaniky Chary, S/o. Vadla Nagesh, Age: 4 Years Represented by his natural guardian his mother i.e., V. Jayasree @ Anitha
 4. Master Vadla Chetan Chary, S/o. Vadla Nagesh, Age. 4 Years, Represented by his natural guardian his mother i.e., V. Jayasree @ Anitha,
- Respondents No.2 to 4 are R/o. H. No. 5-7-227/A, Plot No. 418, B N Reddy, Ranga Reddy District.

...RESPONDENTS/ RESPONDENT no.2 to 4

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 quash the order in CrI.M.P.No. 431 of 2024 in M.C.No. 197 of 2024 on the file of Court of the Judge for Family Court, Ranga Reddy District at LB Nagar in the interest of justice.

I.A. NO: 1 OF 2025

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay the order in CrI. M.P. No. 431 of 2024 in M.C. No. 197 of 2024 on the file of the Court of Judge Family Court, Ranga Reddy District at LB Nagar

I.A. NO: 3 OF 2025

Between:

1. Smt. Vadla Jaya Sree @ Anitha, W/o. V. Nagesh, Age: 30 Years, Occupation: Housewife
2. Master Vadla Chanikya Chary, S/o. V. Nagesh, Age: 4 Years Represented by his natural guardian his mother V. Jayasree @ Anitha
3. Master V. Chetan Charya, S/o. V. Nagesh, Age: 4 Years Represented by his natural guardian his mother i.e., V. Jayasree @ Anitha,

Respondents No.2 to 4 are R/o. H. No. 5-7-227/A, Plot No. 418, B N Reddy, Ranga Reddy District.

...PETITIONER/RESPONDENT No.2 to 4

AND

1. State of Telangana, Represented by Public Prosecutor, High Court, Hyderabad.

RESPONDENT/ RESPONDENT No.1

2. Vadla Nagesh, S/o. Narayan, Age: 42 Years, Occupation: Police Constable, R/o. H.No. 1-31, Kanman Kalwa, Chowdapur Village, Kulkachara Mandal, Vikarabad District.

...RESPONDENT/ PETITIONER

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 vacate the interim order dated 08/07/2025 in I.A no.1 of 2025 in crlp 8364 of 2025.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K RAMA SUBBA RAO, Advocate for the Petitioners and of Sri Jithender Rao Veeramalla, Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and of Smt. M. SARASWATHI REDDY, Advocate for the Respondent No.2 to 4

The Court made the following: ORDER

THE HONOURABLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.8364 of 2025

ORDER:

This Criminal Petition is filed by the petitioner-respondent to quash the order dated 20.03.2025 passed in CrI.M.P. No.431 of 2024 in M.C. No.197 of 2024 by the Judge, Family Court, Ranga Reddy District at L.B. Nagar.

2. Heard Mr. K. Rama Subba Rao, learned counsel for the petitioner, Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent No.1-State and Smt. M. Saraswathi Reddy, learned counsel for the respondent Nos.2 to 4.

3. The parties hereinafter are referred as they arrayed before the trial court for the sake of convenience.

4. Learned counsel for the respondent-husband has submitted that the respondent is a Police Constable and that he has huge family responsibilities and the he is not in a position to support his parents, and that the trial court has imposed payment of Rs.15,000/- to the petitioner Nos.1 to 3, his wife and children, on him. He further submitted that he has incurred certain loans and hence, he is getting

a meager amount of salary and therefore, he prayed to reduce the interim maintenance amount granted by the trial court.

5. The learned counsel for the petitioner No.1-wife has submitted that the petitioner No.1 has passed intermediate only and is rearing two children, who are twins, born out of the wedlock with the respondent and that granting of Rs.15,000/- to all the three petitioners is very meager to sustain in these days. She further submitted that the respondent is earning Rs.69,000/- towards salary and hence, prayed not to further reduce the maintenance amount granted.

6. Perused the record.

7. The petitioner No.1 contends before the trial court that she is a household lady and is not earning anything and has to support herself, but she depended on others for the livelihood of herself and also two minor children. It is her further contention that the respondent is getting handsome salary of Rs.69,000/- per month. The respondent contended before the trial court that the petitioner No.1 on her volition is living away from him and she has falsely alleged illicit intimacy between him and a lady conductor. His contention is that his take home salary is Rs.60,000/- and he has

been paying Rs.30,000/- towards EMI and another EMI of Rs.10,000/- for a loan that was taken by him for purchasing a plot and is paying a rent of Rs.6,000/- and that he need Rs.4,000/- for his monthly maintenance, and therefore, he cannot pay any maintenance to the petitioners.

8. The record further discloses that the bank statement of the petitioner No.1 is filed, which shows that she has no source of regular income. The respondent has not filed his bank statement to which his salary is credited. The monthly general expenses of the petitioners are estimated to amounting to Rs.40,000/- and she has not been awarded any maintenance from any other proceedings. It is also revealed from the affidavit of assets and liabilities filed by the petitioner that she owns plot No.66 of an extent of 200 sq.yds., of land in Sy No.41 at Kodangal village and plot Nos.17 and 18 admeasuring an extent of 266 sq.yds., of land in Sy. No.54 of Khanjapur village from which she is not getting any rent. It is an admitted fact that the two minor children, who are twins aged 4 years, are living with her. Though the petitioner No.1 is in possession of immovable properties, which are the open plots, they do not generate any income. It is the bounden duty of the respondent to maintain his wife and children, who do not have any other source of

income. Admittedly, his salary is Rs.69,000/- and the respondent himself is stated that his take home salary is Rs.60,000/-. Considering the said facts on record, the trial court has rightly granted Rs.15,000/- per month. The amount of Rs.15,000/- is not at all high in the present day cost of living for the maintenance of a woman and two minor children. The order passed by the trial court needs no interference by this Court and therefore, the petition is liable to be dismissed.

9. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any pending, shall stand closed.

Sd/- A.H. S. GOWRI SHANKAR
ASS STANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Judge Family Court Ranga Reddy District at L.B.Nagar
2. Two CCs to the Public Prosecutor, High court for the state of Telangana, at Hyderabad [OUT]
3. One CC to SRI. K Rama Subba Rao, Advocate [OPUC]
4. One CC to Smt. M Saraswathi, Advocate [OPUC]
5. Two CD Copies

Pr/

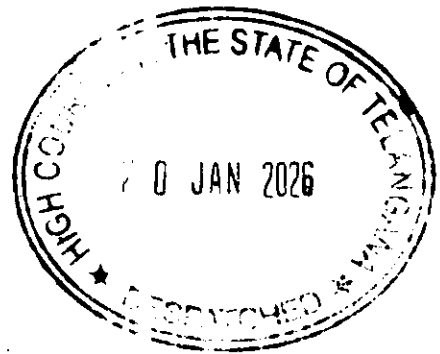


HIGH COURT

DATED: 11/11/2025

ORDER

CRLP.No.8364 of 2025



DISMISSING THE CRL.PETITION

⑧ MT
22/12/25