

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

WEDNESDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL REVISION CASE Nos: 662 OF 2023 and 12 of 2024

CRIMINAL REVISION CASE No: 662 OF 2023

Criminal Revision Case filed under section 397 and 401 of Cr.P.C against the order dated 14.09.2023 in MC.No.262 of 2022 on the file of the court of the Principal Family Court, Hyderabad at Kalpataru, Hyderabad.

Between:

Sania Fatima, W/o. Shahed Baba age 33 years occ. Housewife, R/o. H.No.8-15-71/1/1, New Akber Colony, Vattepally, Hyderabad.

...Revision Petitioner/Petitioner

AND

1. Shahed Baba, S/o Abdul Rab Qureshi, age 40 years occ. R.T.A agent, R/o. H.No.6-3-1242/176, M.S. Maqtha, Rajbhavan, Somajiguda, Hyderabad.
2. The State of Telangana, through its Public Prosecutor, having office at T.S. High Court at Hyderabad.

...Respondents

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 direct the respondent No.1 to continue to pay the interim maintenance to the petitioner @ Rs.30,000/- (Rupees Thirty Thousand only) per month.

Counsel for the Petitioner: SRI MOHAMMAD ADNAN

Counsel for the Respondent No.1: SRI GULAM RABBANI

**Counsel for the Respondent No.2: SRI D.ARUN KUMAR, Additional Public
Prosecutor**

CRIMINAL REVISION CASE No: 12 OF 2024

Criminal Revision Case filed under section 397 and 401 of Cr.P.C against the order dated 14.09.2023 in MC.No.262 of 2022 on the file of the court of the Judge, Principal Family Court –Cum-XIII Additional Metropolitan Sessions Judge, Hyderabad.

Between:

Shahed Baba, S/o Abdul Rab Qureshi, Aged 38 Years., Occ. Unemployed,
R/o H.No.6-3-1242/176, M.S. Maqtha, Khairatabad, Hyderabad.

...Revision Feticioner/Respondent

AND

1. Sania Fatima, W/o Shahed Baba, Aged about. 35 years, Occ Household,
Presently R/o 8-15-71/1/1, Vattepally, New Akber Colony Hyderabad, T.S.

...Respondent No.1/Petitioner

2. The State of Telangana, Rep. by Public Prosecutor, High Court, Hyderabad.

...Respondent No.2

Counsel for the Petitioner: SRI GULAM RABBANI

Counsel for the RespondentNo.1: SRI MOHAMMAD ADNAN

**Counsel for the RespondentNo.2: SRI D.ARUN KUMAR, Additional Public
Prosecutor**

The Court made the following: COMMON ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL REVISION CASE Nos.662 of 2023 and 12 of 2024

COMMON ORDER:

Since the issue involved in these criminal revision cases is one and the same, they are being heard together and are being decided by way of this common order.

2. Since the parties in both cases are one and the same, they are hereinafter referred to as in M.C.No.262 of 2022.

3. Crl.R.C.No.662 of 2023 is filed by the petitioner - wife aggrieved by the order dated 14.09.2023 passed in M.C.No.262 of 2022 by the learned Judge, Principal Family Court-cum-XIII Additional Metropolitan Sessions Judge, Hyderabad.

4. Crl.R.C.No.12 of 2024 is filed by the respondent - husband aggrieved by the order dated 14.09.2023 passed in M.C.No.262 of 2022 by the learned Judge, Principal Family Court-cum-XIII Additional Metropolitan Sessions Judge, Hyderabad.

5. The brief facts of the case are that the petitioner, wife of the respondent, filed M.C.No.262 of 2022 under Section 125 Cr.P.C. seeking monthly maintenance of Rs.50,000/-, alleging that after their marriage on 30.04.2006, the respondent and his family members subjected her to physical and mental harassment for additional dowry and finally drove her out of the matrimonial home on 15.11.2019. She stated that the respondent, who is earning about Rs.1,00,000/- per month as an RTA agent and also receiving house rent, neglected to maintain her, though she has no means for her livelihood. The respondent, while admitting the marriage, denied the allegations and contended that the petitioner herself left the matrimonial home without any valid reason, leaving the children in his custody, and that he is unemployed and earning only Rs.4,000 to Rs.5,000 per month by doing small business. The trial Court, after considering the evidence on record, held that the petitioner failed to prove the alleged income of the respondent but established that she was unable to maintain herself and that the respondent, being her husband, neglected to maintain her. Taking into account the respondent's responsibilities towards his aged mother and three children, the trial Court partly allowed the petition and

directed him to pay Rs.4,000/- per month to the petitioner towards her maintenance from the date of filing of the petition. Aggrieved thereby, the parties filed the present criminal revision cases, respectively.

6. Heard Sri Mohd. Adan, learned counsel appearing on behalf of the petitioner - wife as well as Sri Gulam Rabbani, learned counsel appearing on behalf of the respondent - husband in both the criminal revision cases.

7. Learned counsel for the petitioner-wife submitted that the trial Court erred in appreciating the evidence and facts of the case and passed an order contrary to law and that the petitioner had clearly established that the respondent neglected to maintain her despite having sufficient means, and that no evidence was adduced by the respondent to disprove her case. He further submitted that the trial Court failed to consider the evidence of the petitioner and medical records properly and ignored the fact that the respondent remained ex parte earlier and later failed to enter the witness box. He contended that the maintenance amount of Rs.4,000/- per month granted by the trial Court was meagre

and unrealistic, as no woman can maintain herself in Hyderabad city with such a small amount. He therefore prayed that the order of the trial Court be set aside and a reasonable monthly maintenance of at least Rs.15,000/- be awarded to the petitioner.

8. On the other hand, learned counsel for the respondent-husband submitted that the trial Court failed to properly appreciate the evidence and the admissions made by the petitioner-wife and that the petitioner - wife had voluntarily left the matrimonial home without any justifiable reason, despite repeated requests from the husband and elders, and that she has been working as a beautician earning about Rs.20,000/- per month. He further submitted that the petitioner failed to file any documentary evidence to prove her allegations of cruelty, harassment, dowry demand, or physical assault, and even the medical record produced by her was manipulated and unreliable. He contended that the respondent is unemployed, earning only Rs.10,000 to Rs.15,000/- per month, and is solely taking care of his aged mother and three children, who are all dependent on him. It was also pointed out that the children, during interaction

before the Family Court, expressed their unwillingness to stay with their mother, which clearly shows her neglect and disinterest towards them.

9. In support of his submissions, he relied upon the judgment of the Hon'ble Supreme Court in **Deb Narayan Halder v. Anushree Halder**, stating that since the wife failed to prove any acts of cruelty or neglect by the husband and had left his company willfully, she is not entitled to claim any maintenance. Therefore, he prayed the Court to set aside the order of the trial Court.

10. In the light of the submissions made by both the learned counsel and upon a perusal of the material available on record, it appears that the trial Court had granted an amount of Rs.4,000/- per month towards maintenance to the petitioner-wife on the ground that the respondent-husband has the responsibility of maintaining three children. Aggrieved by the said order, the wife preferred the revision petition seeking enhancement of the maintenance amount, whereas the respondent-husband also filed a revision petition seeking to set aside the said order on the ground that he is

earning only Rs.10,000/- to Rs.15,000/- per month and has to take care of his three children and aged mother.

11. It is the specific contention of the learned counsel for the petitioner-wife that though the trial Court initially awarded Rs.8,000/- per month by way of an ex parte order and later, upon contest, observed that the petitioner is unable to maintain herself, it erroneously reduced the maintenance to Rs.4,000/- per month, despite sufficient material to show that the respondent has adequate income. Hence, the petitioner-wife sought enhancement of the maintenance to a reasonable amount. On the other hand, it is the specific contention of the learned counsel for the respondent-husband that the petitioner herself, in earlier proceedings, admitted that the respondent-husband has no income and that she is capable of maintaining the children. It was argued that the petitioner has taken contradictory stands in different proceedings, while earlier admitting that the husband is not earning, she now claims he earns Rs.1,00,000/- per month without filing any proof. The respondent is admittedly maintaining all three children and his aged mother and has limited means, earning

only Rs.15,000/- to Rs.20,000/- per month through small business.

12. On a careful consideration of the record, it is evident that the respondent-husband is indeed taking care of the three children and his aged mother. Though the petitioner-wife alleged that the respondent earns Rs.1,00,000/- per month, no documentary evidence has been filed in support of the said contention. The assets and liabilities affidavit filed by the respondent shows that he studied up to 10th class, is not regularly employed, and earns a meagre income sufficient only to meet the basic needs of his dependents. There is also no credible evidence to show that the petitioner is earning Rs.20,000/- per month as alleged by the husband. Considering the limited income of the respondent and his responsibilities towards his children and aged mother, this Court finds no justification to enhance the maintenance amount granted by the trial Court. The quantum of Rs.4,000/- per month awarded by the trial Court appears reasonable in the facts and circumstances of the case.

13. Accordingly, both the Criminal Revision Petitions filed by the petitioner-wife and the respondent-husband are dismissed, confirming the order dated 14.09.2023 passed in M.C.No.262 of 2022 by the learned Judge, Principal Family Court-cum-XIII Additional Metropolitan Sessions Judge, Hyderabad.

Miscellaneous applications, if any pending, shall stand closed.

SD/-P.CH.NAGABHUSHAMBA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIII Additional Metropolitan Sessions Judge, Hyderabad.
2. The State of Telangana, through its Public Prosecutor, having office at T.S. High Court AT Hyderabad.
3. One CC to SRI MOHAMMAD ADNAN, Advocate [OPUC]
4. One CC to SRI GULAM RABBANI, Advocate [OPUC]
5. Two CD Copies

NVB/sa

kpr

HIGH COURT

DATED:29/10/2025

COMMON ORDER

CRLRC.No.662 of 2023 and CRLRC.No.12 of 2024



DISMISSING THE BOTH CRIMINAL REVISION
CASES

⑦
kpv
13/11/25