

[ 3254 ]

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

MONDAY, THE SIXTEENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY THREE

**:PRESENT:**

**THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY**

**CRIMINAL PETITION NO: 1489 OF 2023**

**Between:**

Chinta Vamshi, S/o. Lingaiah Occ. Software Engineer in Infosys Company, R/o. GachiBowli, Hyderabad, N/o. H.No.6-3-342, Gandhinagar, Ramagiri Nalgonda Town and District.

**...Petitioner/Respondent**

**AND**

1. The State of Telangana, Rep. by its Public Prosecutor High Court for the State of Telangana At Hyderabad
2. Chintha @ Mugilipaka Kavitha, W/o. Chinta Vamshi, R/o. Mogilipaka Village of Valigonda Mandal, YadadriBhongiri District.

**...Respondent/Petitioner**

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 set aside the Impugned order passed Dtd.11/08/2022 in Cri.M.P.No.708 of 2022 in M.C.No. 6 of 2021 by the learned Judicial First Class Magistrate Ramannapet, Yadadri-Bhongir District.

**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 of all further proceedings in MC.No.6/2022 dtd.11/08/2022 on the file of Judicial First Class Magistrate at Ramannapet, pending disposal of the Criminal Revision Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Ms B. RAMESH, learned Senior Counsel representing Sri R SWARNALATHA, Advocate for the Petitioner, Sri S. GANESH, Assistant Public Prosecutor on behalf of the Respondent No.1 and Sri V. YADU KRISHNA SAINATH, representing M/s K. KIRAN MAYEE, Advocate for the Respondent No.2

**The Court made the following: ORDER**

**THE HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY**

**CRIMINAL PETITION No.1489 OF 2023**

**ORDER:**

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (for short 'Cr.P.C.') by the petitioner/respondent seeking to set aside the impugned order dated 11.08.2022 in Cri.M.P.No.708 of 2022 in M.C.No.6 of 2021 passed by the Judicial First Class Magistrate, Ramannapet, Yadadri-Bhongir District.

2. Heard Sri B.Ramesh, learned Senior Counsel representing Ms.R.Swarnalatha, learned counsel for the petitioner; Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1-State and Sri V.Yadu Krishna Sainath, learned counsel representing Ms.K.Kiran Mayee, learned counsel for respondent No.2. Perused the record.

3. The facts of the case, in brief, are that respondent No.2 in M.C.No.6 of 2021 is the legally wedded wife of the petitioner and their marriage was solemnized on 06.03.2020 as per Hindu rites, customs and traditions. Prior to their marriage, the betrothal ceremony was held on 10.02.2020 in Devisree Gardens in Valigonda Town and in the said ceremony, an amount of

Rs.21,00,000/- was fixed as dowry. Out of the said amount, the parents of respondent No.2 paid an amount of Rs.5,00,000/- to the mother of the petitioner on the very same day. Moreover, at the time of marriage, the parents of respondent No.2 gave 25 tulas of gold, an amount of Rs.3,00,000/- for purchase of marriage clothes and further paid balance amount towards dowry i.e., total amount of Rs.21,00,000/-. It is further alleged that the marriage was performed in a grand manner as per the will and wish of family members of the petitioner and that the parents of respondent No.2 are very poor and they do not have movable or immovable properties. After marriage, the petitioner and respondent No.2 lead a happy marital life for only one month. Thereafter, the petitioner along with his mother started harassing her by demanding additional dowry and also started ignoring respondent No.2, due to which, the respondent No.2 is staying with her parents. As respondent No.2 is unable to maintain herself and as petitioner was working in Infosys company and drawing a salary of Rs.1,20,000/- per month, she filed M.C.No.6 of 2021 and Crl.M.P.No.708 of 2022 in M.C.No.6 of 2021 claiming an amount of Rs.50,000/- as interim maintenance per month.

(b) The petitioner herein a detailed counter denying the averments made in the petition by his wife (respondent No.2), but there is no mention about his earnings.

(c) The trial Court, after considering the rival contentions of both the parties, granted interim maintenance of Rs.25,000/- per month to the petitioner.

(d) Aggrieved by the same, the petitioner, who is the respondent in Crl.M.P.No.708 of 2022 in M.C.No.6 of 2021, filed the present petition.

4. Learned Senior Counsel for the petitioner contended that respondent No.2 and her family members did not give any dowry as alleged by respondent No.2 and that respondent No.2 is highly educated and she also worked as an Assistant Professor. It is further contended that the petitioner is drawing an amount of Rs.55,000/- as salary and that he has to take care of his mother, who is a widow and that the trial Court, without considering all the facts, granted an amount of Rs.25,000/- to the petitioner as interim maintenance. Therefore, he prayed to set aside the impugned order dated 11.08.2022.

5. On the other hand, learned counsel for respondent No.2 filed a detailed counter reiterating the contents of the petition in

M.C.No.6 of 2021 and contended that the petitioner is earning an amount of Rs.1,20,000/- per month as on the date of filing of Maintenance Case and that the trial Court has rightly granted an amount of Rs.25,000/- per month to respondent No.2 towards interim maintenance. Therefore, prayed to dismiss the Criminal Petition.

6. On perusal of record, it is evident that neither of the parties filed their affidavits reflecting their assets and liabilities. As per the directions of the Hon'ble Apex Court, while granting maintenance, the trial Court shall receive the affidavits containing assets and liabilities of both the parties and basing on the same, the trial Court shall decide whether maintenance should be awarded or not. In the present case, the trial Court did not follow the guidelines of the Hon'ble Apex Court. Therefore, the impugned order dated 11.08.2022 is liable to be set aside.

7. Accordingly, the impugned order dated 11.08.2022 in Crl.M.P.No.708 of 2022 in M.C.No.6 of 2021 passed by the Judicial First Class Magistrate, Ramannapet, Yadadri-Bhongir District, is set aside and the matter is remanded back to the trial Court. The trial Court, after receiving the affidavits of both the parties with respect to their assets and liabilities, shall consider the said

documents and pass appropriate orders within a period of one (01) month from the date of receipt of a copy of this order.

8. In the result, the Criminal Petition is disposed of. Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

Sd/- MOHD. ISMAIL  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial First Class Magistrate Ramannapet, Yadadri-Bhongir District.
2. Two CCs to Public Prosecutor High Court for the State of Telangana At Hyderabad[OUT]
3. One CC to SRI. R SWARNALATHA Advocate [OPUC]
4. One CC to M/s KIRAN MAYEE, Advocate [OPUC]
5. Two CD Copies

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