

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CRIMINAL REVISION CASE No:1009 of 2022

Between:

- 1.CHINNAN KRISHORE KUMAR, S/O. DEVADASU, AGED 30 YEARS.
OCCUPATION- PRIVATE EMPLOYEE, RIO MACHAVARAM,
MACHILIPATNAM, KRISHNA DISTRICT.

...PETITIONER

AND

- 1.STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF A. P, AMARAVATHI
- 2.CHINNAM KIRANMAYI SMILY, W/O CHINNAN KRISHORE KUMAR,
AGED 24 YEARS, R/O.D.NO.5-7-8/108, PLOT NO.18, SYNDICATE
BANK COLONY, OPP ROAD, COLLERAH HOSPITAL, CHITI NAGAR,
VIJAYAWADA.
- 3.CHINNAM VINEETH KUMAR, S/O CHINNAM KISHORE KUMAR,
AGED 5 YEARS, (MINOR BEING REP BY HIS MOTHER/
RESPONDENT NO.2) R/O D.NO.5-7-8/108, PLOT NO.18, SYNDICATE
BANK COLONY, OPP ROAD, COLLERAH HOSPITAL, CHITI NAGAR,
VIJAYAWADA.

...RESPONDENT(S):

JUDGMENT RESERVED DATE	:	07.01.2026
DATE OF ORDER PRONOUNCED	:	09.02.2026
DATE OF ORDER UPLOADED	:	09.02.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment? Yes/No

2. Whether the copy of Judgment may be
marked to Law Reporters/Journals? Yes/No

3. Whether His Lordship wish to see the
fair copy of the Judgment? Yes/No

Dr. Y. LAKSHMANA RAO, J

*** THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**
+ CRIMINAL REVISION CASE No: 1009 of 2022

% 09.02.2026

Between:

1. CHINNAN KRISHORE KUMAR, S/O. DEVADASU, AGED 30 YEARS.
OCCUPATION- PRIVATE EMPLOYEE, RIO MACHAVARAM,
MACHILIPATNAM, KRISHNA DISTRICT.

...PETITIONER

AND

1. STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF A. P, AMARAVATHI

2. CHINNAM KIRANMAYI SMILY, W/O CHINNAN KRISHORE KUMAR,
AGED 24 YEARS, R/O.D.NO.5-7-8/108, PLOT NO.18, SYNDICATE
BANK COLONY, OPP ROAD, COLLERAH HOSPITAL, CHITI NAGAR,
VIJAYAWADA.

3. CHINNAM VINEETH KUMAR, S/O CHINNAM KISHORE KUMAR,
AGED 5 YEARS, (MINOR BEING REP BY HIS MOTHER/
RESPONDENT NO.2) R/O D.NO.5-7-8/108, PLOT NO.18, SYNDICATE
BANK COLONY, OPP ROAD, COLLERAH HOSPITAL, CHITI NAGAR,
VIJAYAWADA.

...RESPONDENT(S):

! Counsel for the Petitioners : M.Venu Gopal

^Counsel for the Respondent : A.K.Kishore Reddy, Legal Aid Counsel

< Gist:

> Head Note:

? Cases referred:

1) (2005) 3 SCC 636

2) (2011) 1 SCC 141

- 3) (1988) 1 SCC 530
- 4) (2005) 3 SCC 636
- 5) (1991) 2 SCC 375
- 6) AIROnline 2019 SC 2208
- 7) AIROnline 2014 SC 224
- 8) 1961 SCC OnLine Punj 128
- 9) 1980 SCC OnLine Kar 53
- 10) 2007 SCC OnLine Del 561
- 11) (2013) 4 SCC 1
- 12) (1996) 5 SCC 125
- 13) (2015) 5 SCC 705
- 14) (2005) 3 SCC 313
- 15) AIR 1927 Mad 1187
- 16) ILR (1920) 43 Mad 635
- 17) AIR 1936 Bom 138
- 18) AIR 1921 Bom 380
- 19) (1989) 1 SCC 405
- 20) (2005) 4 SCC 468
- 21) (1978) 4 SCC 70
- 22) (2011) 12 SCC 189
- 23) (1988) 1 SCC 530
- 24) (1970) 1 SCWR 589
- 25) (1999) 6 SCC 326
- 26) (1999) 5 SCC 672
- 27) 2008 SCC OnLine Chh 9
- 28) AIR 1996 P&H 1757
- 29) 1924 SCC OnLine Mad 220
- 30) (1996) 4 SCC 479
- 31) AIR 1985 AP 207
- 32) (2005) 3 SCC 313
- 33) 1963 SCC OnLine SC 137

34) (1991) 2 SCC 375

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO
CRIMINAL REVISION CASE NO: 1009/2022

ORDER:

Criminal Revision Case has been preferred under Sections 397 and 401 of Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,') feeling aggrieved by the order dated 09.03.2018 passed in F.C.O.P.No.1008/2018 on the file of the learned IV Additional District Judge-cum-Judge, Principal Family Court, Vijayawada.

2. Sri M.Venu Gopal, learned Counsel for the Petitioner would submit that the impugned order of the learned Court below suffers from perversity and material irregularity, being contrary to the evidence on record and probabilities of the case. It is urged that the learned Family Court erred in granting maintenance without proper appreciation of the chief affidavit filed under Order XVIII Rule 4 of the Code of Civil Procedure, 1908 (for brevity 'the C.P.C.,') which itself constitutes a procedural violation. The Petitioner contends that Respondent No.2 failed to substantiate her allegations with documentary proof regarding alleged payments of cash and Adapaduchukatnam, yet the learned Court erroneously allowed the petition. The learned Counsel for the Petitioner would further argue that the present proceedings are a second round of litigation, filed only after withdrawal of M.C.No.144/2017, and hence barred by principles of judicial propriety and fairness.

3. It is further submitted that the learned Family Court ought to have considered the pendency of D.O.P.No.3/2016 before the learned Principal

District Judge, Machilipatnam, and G.W.O.P No.52/2017 before the learned Family Court, Vijayawada, which clearly demonstrate that the Respondent No.2 is attempting to harass the Petitioner by initiating multiple proceedings. The order directing payment of Rs.7,500/- and Rs.5,000/- per month to Respondent Nos.2 & 3 is alleged to be excessive, arbitrary, and violative of principles of natural justice and it is urged that the impugned judgment be set aside as being unsustainable in law.

4. Sri A.K.Kishore Reddy, learned Legal Aid Counsel for Respondent Nos.2 & 3 would vehemently oppose the submissions of the Petitioner, contending that the learned Family Court has rightly exercised its jurisdiction under Section 125 of 'the Cr.P.C.,' and allied provisions to secure maintenance for the wife and child. It is argued that the Petitioner, being legally bound to maintain his dependents, cannot shirk his responsibility by raising technical objections regarding procedural aspects of evidence. The learned Counsel for Respondent Nos.2 and 3 would submit that the absence of documentary proof does not *ipso facto* negate the oral testimony of PW.1, which was found credible and sufficient by the learned Court below. The grant of maintenance is a measure of social justice, intended to prevent destitution and vagrancy, and therefore the order deserves to be upheld.

5. It is further contended that the Petitioner's reliance on pendency of other proceedings is wholly misconceived, as the right to claim maintenance is independent and recurring in nature. The learned Counsel for Respondent Nos.2 & 3 would emphasize that multiplicity of proceedings was necessitated

only due to the Petitioner's continued neglect and refusal to provide sustenance. The quantum of maintenance awarded, Rs.7,500/- to the Respondent No.1/wife and Rs.5,000/- to the Respondent No.3/child is reasonable, proportionate to the Petitioner's means, and in consonance with settled principles of law. The learned Family Court's order, being well-reasoned and founded on equity, justice, and good conscience, warrants no interference by this Court.

6. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

7. Now the point for consideration is:

“Whether the order in F.C.O.P.No.1088 of 2018 dated 09.03.2022, passed by the learned IV Additional District Judge-cum-Judge, Principal Family Court, Vijayawada is correct, legal, and proper with respect to its finding, or judgment, and there are any material irregularities? And to what relief?”

8. Under Indian law, the term 'maintenance' includes an entitlement to food, clothing and shelter, being typically available to the wife, children and parents. It is a measure of social justice and an outcome of the natural duty of a man to maintain his wife, children and parents, when they are unable to maintain themselves as observed by the Hon'ble Apex Court in **Savitaben Somabhai Bhatiya v. State of Gujarat**¹. The object of maintenance is to prevent immortality and destitution and ameliorate the economic condition of women and children.

¹ (2005) 3 SCC 636

9. The Hon'ble Apex Court in **Chanmuniya v. Virendra Kumar Singh Kushwaha**², at paragraph Nos.38 & 39 held that even live-in relationships fall within the ambit of "domestic relationship" under the Protection of Women from Domestic Violence Act, 2005 (for brevity 'the D.V.Act'). It recognized that women in such relationships are entitled to the same reliefs and protections as those in marital relationships. It further clarified that monetary relief and compensation can also be granted under Section 125 of 'the Cr.P.C.,' in such cases.

10. The Hon'ble Apex Court in **Chanmuniya supra**, further at paragraph No.42 held that the term "wife" under Section 125 of 'the Cr.P.C.,' must be given a broad and socially purposive interpretation. It emphasized that even women in long-term live-in relationships should not be left destitute and may claim maintenance. While earlier rulings like **Yamunabai Anantrao Adhav v. Anantrao Shivram Adhav**³, and **Savitaben Somabhai Bhatiya v. State of Gujarat**⁴ restricted "wife" to a legally wedded woman, cases like **Vimala (K.) v. Veeraswamy (K.)**⁵ expanded it to include divorced women. Ultimately, the Hon'ble Apex Court in **Chanmuniya supra** urged that strict proof of marriage should not be a precondition, so as to uphold social justice and prevent vagrancy.

² (2011) 1 SCC 141

³ (1988) 1 SCC 530

⁴ (2005) 3 SCC 636

⁵ (1991) 2 SCC 375

11. The Hon'ble Apex Court in **Shome Nikhil Danani v. Tanya Banon Danani**⁶ reaffirmed at paragraph No.1 that, mere passing an order under section 125 of 'the Cr.P.C.,' does not preclude the respondent from seeking appropriate relief under 'the D.V.Act.'

12. The Hon'ble Apex Court in **Juveria Abdul Majid Patni v. Atif Iqbal Mansoori**⁷, held at paragraph No.24 that monetary relief as stipulated under Section 20 of 'the D.V.Act' is different from maintenance, which can be in addition to an order of maintenance under Section 125 of 'the Cr.P.C.,' or any other law.

13. The High Court of Punjab-Haryana High Court in **Bawa Sunder Singh v. Manna Sunder Singh**⁸, stressed that it could not base maintenance purely on an arithmetic calculation, but looked that the materials on record as a whole, and reduced the maintenance amount.

14. The High Court of Karnataka in **Haunsabai v. Balakrishna Krishna Badiger**⁹, at paragraph No.9 state that wife must prove that she is unable to maintain herself in addition to the fact that her husband has the sufficient means to maintain her whereas he has chosen to neglect to maintain even then.

15. The High Court of Delhi in **Alok Kumar Jain v. Purnima Jain**¹⁰, at paragraph No.10 gave the following conditions when maintenance is to be

⁶ AIROnline 2019 SC 2208

⁷ AIROnline 2014 SC 224

⁸ 1961 SCC OnLine Punj 128

⁹ 1980 SCC OnLine Kar 53

¹⁰ 2007 SCC OnLine Del 561

paid: Status of the parties, reasonable wants of the claimant, the income and property of the claimant, number of persons to be maintained by the husband, liabilities if any, of the husband, The amount required by the wife to live a similar life style as she enjoyed in the matrimonial home keeping in view food, clothing, shelter, educational and medical needs of the wife and the children, if any, residing with the wife, payment capacity of the husband, etc.

16. The Hon'ble Apex Court in **Voluntary Health Assn. of Punjab v. Union of India**¹¹, at paragraph No.19 held that a woman must be regarded as an equal partner in life and society. It emphasized that the legislation aims to prohibit sex selection and prevent misuse of pre-natal diagnostic techniques leading to female foeticide. The Hon'ble Apex Court further stressed that the law's purpose can only be fulfilled through dedicated enforcement and societal awareness of women's equal role.

17. The Hon'ble Apex Court in **Madhu Kishwar v. State of Bihar**¹², had stated at paragraph No.28 that Indian women have suffered and are suffering discrimination in silence. At paragraph No.28 it has held that self-sacrifice and self-denial are their nobility and fortitude and yet they have been subjected to all inequities, indignities, inequality and discrimination.

18. The Hon'ble Apex Court in **Shamima Farooqui v. Shahid Khan**¹³, at paragraph No.14 held that under Section 125 of 'the Cr.P.C.', a wife is entitled to live with dignity in the same manner as in her matrimonial home. The

¹¹ (2013) 4 SCC 1

¹² (1996) 5 SCC 125

¹³ (2015) 5 SCC 705

Hon'ble Apex Court clarified that excuses like unemployment or poor business cannot absolve a healthy, able-bodied husband of his legal obligation. Thus, a wife's right to maintenance under Section 125 of 'the Cr.P.C.,' is absolute unless disqualified, ensuring she is not reduced to destitution or begging.

19. In **B.P. Achala Anand v. S. Appi Reddy**¹⁴, the judicial consensus emerging from earlier authorities is that a husband's duty to maintain his wife is a personal and status-based obligation, deriving exclusively from the marital relationship and wholly independent of his ownership of ancestral or self-acquired property. This principle, affirmed in **Unnamalai Ammal v. F.W. Wilson**¹⁵, establishes that maintenance flows inherently from the existence of the marital bond. **P. Suriyanarayana Rao Naidu v. P. Balasubramania Mudali**¹⁶ further underscores that even an auction-purchaser cannot displace female family members whose residence stems from such personal obligations. Likewise, the Hon'ble High Court of Bombay in **Bai Appibai v. Khimji Cooverji**¹⁷ reiterated that the wife's entitlement to maintenance is grounded solely in the status of marriage and is unaffected by the husband's proprietary circumstances. As clarified in **Gangabai v. Jankibai**¹⁸, although a widow cannot claim residence in property alienated during the husband's lifetime without a prior charge, the wife's right to maintenance during

¹⁴ (2005) 3 SCC 313

¹⁵ AIR 1927 Mad 1187

¹⁶ ILR (1920) 43 Mad 635

¹⁷ AIR 1936 Bom 138

¹⁸ AIR 1921 Bom 380

subsistence of marriage remains inherent, independent, and insulated from considerations of the husband's property holdings.

20. In **Kuldip Kaur v. Surinder Singh**¹⁹, the Hon'ble Supreme Court drew a clear distinction between the mode of enforcing recovery of maintenance arrears and the actual satisfaction of such liability, holding that imprisonment of the defaulter is merely a means of enforcement and not a mode of extinguishing the liability. The Court emphasized that the arrears of monthly allowance can be discharged only through actual payment, as the purpose of sentencing the husband to jail is to compel obedience to the maintenance order, not to wipe out the liability he has refused to honour. Imprisonment is permissible only when the default is without sufficient cause, and it would be illogical to treat incarceration as absolving a husband who, without reasonable cause, neglects to maintain his wife or child. Maintenance, being intended to secure the essential economic sustenance of the neglected wife or child, cannot be substituted by sending the husband to prison, for neither the wife nor the child can subsist without the funds required for their basic needs. Thus, imprisonment is merely a method of recovery, not a substitute for payment, and the liability continues until the arrears are actually paid.

21. In **Shantha v. B.G. Shivananjappa**²⁰, the Hon'ble Apex Court held that, in the peculiar facts of the case, the bar under Section 125(3) of 'the Cr.P.C.,' was inapplicable and the High Court erred in overturning the Sessions Judge's order, reiterating that Section 125 of 'the Cr.P.C.,' is a piece of social welfare

¹⁹ (1989) 1 SCC 405

²⁰ (2005) 4 SCC 468

legislation that must be construed liberally to advance the protection and well-being of the wife and child. The Court emphasized that the liability to pay maintenance under Section 125(1) of 'the Cr.P.C.,' is a continuing liability, and therefore, it is unreasonable to compel the aggrieved wife to file successive applications for enforcement of an already subsisting obligation.

22. In **Ramesh Chander Kaushal v. Veena Kaushal**²¹, the Hon'ble Supreme Court underscored that Section 125 of 'the Cr.P.C.,' is a measure of social justice, specially designed to protect women and children, falling within the constitutional mandate of Article 15(3) and reinforced by Article 39 of the Constitution of India. The Court emphasized that statutory provisions of this nature are not rigid textual commands but dynamic instruments intended to fulfil important social functions, and therefore must be interpreted with the "brooding presence of constitutional empathy" for weaker sections in mind. Viewed thus, Courts must prefer that construction which advances the cause of vulnerable dependents, ensuring that the interpretation chosen meaningfully furthers the objective of safeguarding women and children from neglect and destitution.

23. In **Pyla Mutyalamma v. Pyla Suri Demudu**²², the Hon'ble Apex Court reiterated that proceedings under Section 125 of 'the Cr.P.C.,' being preventive and summary in nature, do not require strict or conclusive proof of marriage as demanded in prosecutions under Section 494 of 'the I.P.C.,' rather, consistent with **Yamunabai Anantrao Adhav v. Anantrao Shivram**

²¹ (1978) 4 SCC 70

²² (2011) 12 SCC 189

Adhav²³, the Magistrate need only ascertain whether some form of marriage ceremony occurred, whether the parties lived together as husband and wife in the eyes of the community, and whether children were born from the union. Further, as held in **Sethurathinam Pillai v. Barabaraa Dolly Sethurathinam**²⁴, once there is affirmative evidence on these foundational aspects, the Magistrate is not to delve into complex questions regarding the validity of marriage under personal law, which fall within the exclusive domain of the civil court; if the husband disputes the marriage, his remedy lies in seeking a declaratory decree. Reinforcing this position, **Rajathi v. C. Ganesan**²⁵ clarified that the Magistrate must take a *prima facie* view in such proceedings, since Section 125 of 'the Cr.P.C.,' proceeds on the basis of a de facto marital relationship rather than a de jure one, and that questions regarding the validity of marriage cannot defeat a claim for maintenance when the other statutory requirements stand satisfied.

24. In **Shahada Khatoon v. Amjad Ali**²⁶, the Hon'ble Supreme Court held that the scope of the Magistrate's power under Section 125(3) of 'the Cr.P.C.,' is strictly limited to imposing imprisonment for a term not exceeding one month, or until earlier payment, and this power cannot be expanded to authorize continued detention until the arrears are fully cleared. The Court rejected the contention that the continuing nature of the liability permits

²³ (1988) 1 SCC 530

²⁴ (1970) 1 SCWR 589

²⁵ (1999) 6 SCC 326

²⁶ (1999) 5 SCC 672

indefinite custody, clarifying that upon each breach, the wife must seek fresh recourse before the Magistrate. Since Section 125(3) of 'the Cr.P.C.,' clearly circumscribes the Magistrate's authority, the High Court rightly upheld this limitation, and the appeal was consequently dismissed.

25. In **Shashikala Pandey v. Ramesh Prasad Pandey**²⁷, the High Court of Chhattisgarh observed that the respondent had deliberately disobeyed the earlier maintenance order, and relying on the principle affirmed in **Bani v. Parkash Singh**²⁸, held that when a husband willfully defaults in payment of maintenance and litigation expenses, the law does not compel the wife to undergo protracted execution proceedings, as such failure amounts to contumacy. It was reiterated that under Section 24 of the Hindu Marriage Act, the matrimonial court possesses ample power to ensure compliance by striking off the husband's defence where he neglects to honour court-ordered maintenance, a view consistently upheld in several decisions of the Punjab and Haryana High Court.

26. In **Raja Bommadevara Raja Lakshmi Devi Amma v. Raja B. Naganna Naidu Bahadur Zamindar**²⁹, the Hon'ble High Court of Madras held that the right of a wife to maintenance arises purely from the marital status and not from any contractual arrangement, the obligation being a personal liability imposed by Hindu law on the husband. The Court observed that, among Hindus, a suit for maintenance is not one founded on contract but one

²⁷ 2008 SCC OnLine Chh 9

²⁸ AIR 1996 P&H 1757

²⁹ 1924 SCC OnLine Mad 220

rooted in the jural relationship of marriage, a civil obligation recognized independently of any agreement between the parties, and specifically contemplated under Article 128 of the Limitation Act, 1963.

27. In **Kirtikant D. Vadodaria v. State of Gujarat**³⁰, the Hon'ble Supreme Court reaffirmed that the obligation of a husband to maintain his wife is a personal, legal and absolute duty arising from the jural relationship of marriage, and not from any express or implied contract, and this duty subsists irrespective of his possession of property. The Court emphasized that a husband cannot plead financial constraints so long as he is capable of earning, and similarly, under modern Hindu law, both sons and daughters are personally obligated to maintain their aged or infirm parents, including a childless stepmother who cannot maintain herself. Referring to Sections 18 and 20 of the Hindu Adoptions and Maintenance Act, 1956, the Court reiterated that a Hindu is legally bound to maintain his wife, minor sons, unmarried daughters, and dependent parents, such obligation flowing from the very existence of the familial relationship. The Court then addressed the central issue, whether a stepmother falls within the ambit of Section 125 of 'the Cr.P.C.,' framing the question as whether she qualifies as a person entitled to claim maintenance from her stepson under the provision.

³⁰ (1996) 4 SCC 479

28. In **Bharat Heavy Plates and Vessels Ltd., Re**³¹, cited in **B.P. Achala Anand v. S. Appi Reddy**³², a learned Judge of this Court held that where a husband, an employee allotted company quarters constituting the matrimonial home, abandoned the premises after estrangement while his wife and minor children continued to reside there, the company could not evict them merely because the husband terminated the lease. Recognizing the husband's obligation to provide shelter and the parties' own acknowledgment of the quarters as the matrimonial home, the Court restrained eviction and directed that the rent be deducted from the husband's salary, thus upholding the wife's right to residence as flowing from the marital relationship.

29. In **Jagir Kaur v. Jaswant Singh**³³, the Hon'ble Apex Court summarized that Chapter XXXVI of 'the Cr.P.C.,' governing maintenance of wives and children, is intended to serve a social purpose, ensuring prompt relief to deserted wives and helpless children. It was clarified that Section 488 of 'the Cr.P.C.,' provides multiple forums for initiating proceedings, permitting the wife or child to proceed against the husband or father not only where he permanently or temporarily resides, but also where he last resided or where he is found at the time of initiation of the proceedings.

30. In **Vimala (K.) v. Veeraswamy (K.)**³⁴, the Hon'ble Supreme Court reaffirmed that Section 125 of 'the Cr.P.C.,' is a social-justice measure

³¹ AIR 1985 AP 207

³² (2005) 3 SCC 313

³³ 1963 SCC OnLine SC 137

³⁴ (1991) 2 SCC 375

intended to prevent vagrancy and destitution by providing a speedy remedy for food, clothing, and shelter to a deserted wife. The Court held that when a husband attempts to defeat a wife's claim by portraying her as a kept mistress on the plea of a prior subsisting marriage, he must furnish strict proof of such earlier marriage. It clarified that the term "wife" in Section 125 of 'the Cr.P.C.,' includes a divorced woman who has not remarried, consistent with the provision's protective purpose; however, a second wife in a void marriage is excluded from entitlement only if the husband satisfactorily proves the valid subsistence of the first marriage. Finding that the respondent had failed to discharge this heavy burden and that the High Court had ignored the required standard of proof, the Court concluded that the appellant was entitled to maintenance.

31. Maintenance, in the contemplation of Indian jurisprudence, is a socio-legal obligation flowing inexorably from the status of marriage and the familial bond. It is not a mere contractual arrangement, but a personal liability imposed upon the husband, and in certain circumstances upon children, by virtue of the jural relationship itself. The statutory recognition of this duty under Section 125 of 'the Cr.P.C.,' as well as under the Hindu Adoptions and Maintenance Act, 1956 (for brevity 'the H.A.M Act'), underscores its character as a measure of social justice designed to prevent destitution and vagrancy. The Hon'ble Supreme Court has consistently held that maintenance encompasses the basic requisites of life, food, clothing, shelter, medical care,

and education, ensuring that dependents are not reduced to penury or forced into indignity.

32. The jurisprudential foundation of maintenance rests upon the principle that a wife, minor children, and dependent parents are entitled to sustenance commensurate with the status and means of the person legally bound to maintain them. Courts have emphasized that the obligation is absolute and cannot be evaded on the pretext of unemployment, financial constraints, or pendency of other proceedings. In **Shamima Farooqui** *supra*, the Hon'ble Apex Court clarified that excuses such as poor business or lack of income cannot absolve a healthy, able-bodied husband of his duty. Maintenance is thus a continuing liability, enforceable through coercive processes, if necessary, but never extinguished except by actual payment.

33. The rules governing maintenance are informed by both statutory provisions and judicial pronouncements. Section 125 of 'the Cr.P.C.,' provides a summary remedy, preventive in nature, where strict proof of marriage is not insisted upon, rather, the learned Magistrate may take a *prima facie* view of the relationship to secure immediate relief. The quantum of maintenance is determined by multifactorial considerations: the status of the parties, reasonable wants of the claimant, income and property of the person liable, number of dependents, and the standard of living enjoyed in the matrimonial home. Courts have repeatedly stressed that maintenance is not to be calculated arithmetically but must be proportionate, equitable, and reflective of the claimant's dignity.

34. Judicial interpretation has also expanded the ambit of “wife” under Section 125 of ‘the Cr.P.C.’ to include divorced women who have not remarried, and in certain contexts, women in long-term live-in relationships, thereby ensuring that the protective purpose of the provision is not defeated by rigid textualism. In **Chanmuniya** *supra*, the Supreme Court urged a socially purposive interpretation of “wife,” recognizing that strict proof of marriage should not be a precondition to relief, lest vulnerable women be left destitute. Similarly, the Court has clarified that maintenance under Section 125 of ‘the Cr.P.C.’ is distinct from monetary relief under ‘the D.V.Act’, and both may coexist, thereby broadening the remedial framework available to women and children.

35. Ultimately, maintenance is conceived as a dynamic instrument of constitutional empathy, falling within the protective ambit of Articles 15(3) and 39 of the Constitution of India. It is a manifestation of the State’s commitment to safeguard weaker sections of society, particularly women and children, from neglect and economic deprivation. The liability to maintain is continuous, enforceable, and insulated from considerations of proprietary holdings, flowing solely from the existence of the marital or familial relationship. Courts have consistently reiterated that maintenance is not charity but a right, and its enforcement is essential to uphold equity, justice, and good conscience. Thus, maintenance jurisprudence in India stands as a testament to the judiciary’s resolve to ensure that no wife, child, or dependent parent is left to languish in penury due to the neglect of those legally bound to sustain them.

36. Upon consideration of the factual matrix and evidentiary record in the present matter, the Petitioners examined P.Ws.1 to 3, whereas the Respondent adduced the testimony of R.W.1. The Petitioners produced and marked Exhibits A.1 to A.5, while the Respondent brought on record Exhibits B.1 and B.2 before the learned Trial Court.

37. The impugned order passed by the learned Family Court in granting maintenance to the Respondent No.2/wife and Respondent No.3/minor child under Section 125 of 'the Cr.P.C.,' exemplifies a judicious exercise of discretion, firmly anchored in the sacrosanct principles of social justice. The cornerstone of the instant controversy resides in Section 125 of 'the Cr.P.C.,' a benevolent provision engrafted into the statute book to ameliorate the plight of wives, children, and indigent parents forsaken by those legally bound to sustain them. The right to maintenance thereunder is not a one-time bounty but an ambulatory, recurring entitlement, crystallizing afresh upon each breach of obligation, untrammelled by the pendency or outcome of collateral matrimonial proceedings. Thus, the Respondent No.2/wife's fresh invocation post-withdrawal of M.C.No.144/2017 stands impregably fortified, rebutting the Petitioner's narrative of vexatious litigation.

38. This Court, upon meticulous scrutiny of the record, finds no scintilla of perversity or material irregularity warranting interference in revision. The Petitioner's cavil regarding the purported procedural infraction under Order XVIII Rule 4 of 'the C.P.C.,' vis-à-vis the chief affidavit is untenable, for proceedings under Section 125 of 'the Cr.P.C.,' are summary in nature,

designed to dispense expeditious relief *sans* the rigours of plenary civil adjudication. The oral testimony of PW1, replete with cogent details on the Petitioner's neglect and the Respondent's indigence, stands unassailed and suffices to discharge the evidentiary threshold, rendering the absence of corroborative documents inconsequential.

39. In assaying the quantum awarded Rs.7,500/- to Respondent No.2/wife and Rs.5,000/- to Respondent No.3/child, the Court is guided by the trite principle that maintenance must be just and adequate, commensurate with the husband's pecuniary resources, the dependents' reasonable needs, and prevailing living standards, eschewing both niggardliness and extravagance. Oral testimony of PW1, untainted by embellishment and corroborated by life's stark probabilities, supplants the Petitioner's quibble over absent documents, for Section 125 of 'the Cr.P.C.,' proceedings privilege substantive justice over evidentiary formalism. This adjudication, steeped in equity and good conscience, vindicates the constitutional ethos of Article 39, enshrining the Directive to secure uniform civil justice for the vulnerable.

40. The Petitioner's asseveration that the instant petition constitutes a "second round of litigation" post-withdrawal of M.C.No.144/2017 crumbles under the weight of judicial precedent, which unequivocally countenances the independent and recurring character of maintenance claims. *Res judicata* or constructive *res judicata* finds no foothold herein, as the right to sustenance is not extinguished by prior proceedings but accrues afresh with each instance of default. The learned Family Court astutely discerned that multiplicity of

proceedings, far from bespeaking harassment, stems inexorably from the Petitioner's obdurate refusal to fulfil his statutory and moral imperative under Section 125(1) of 'the Cr.P.C.,' to maintain his wife and progeny, thereby precipitating recurrent applications for redress.

41. Equally meritless is the Petitioner's grievance anent the pendency of D.O.P.No.3/2016 before the learned Principal District Judge, Machilipatnam, and G.W.O.P No.52/2017 before the learned Family Court, Vijayawada. The doctrine of *lis pendens* or forum shopping does not vitiate the Respondent's invocation of concurrent remedies, each tailored to discrete facets of matrimonial discord. This Court reiterates the hallowed principle that maintenance entitlements are not mutually exclusive but operate in tandem to effectuate equity, precluding the Petitioner from leveraging parallel litigations as a shield against his inescapable liabilities.

42. The Respondent No.3 is aged about 8 years. He is with his mother Respondent No.2. He is being imparted with necessary education, nourishment and the quantum of maintenance, Rs.7,500/- per mensem to Respondent No.2/wife and Rs.5,000/- to Respondent No.3/child, bears the imprimatur of reasonableness, calibrated to the Petitioner's earning capacity, the Respondent Nos.2 and 3 exigencies, and prevailing socio-economic parameters and subsequent expositions. No arbitrariness or violation of natural justice taints the adjudication, which evinces a balanced appraisal of competing equities. In the absence of demonstrable error, palpable infirmity, or jurisdictional overreach, the impugned order merits undisturbed affirmation.

43. Finding no illegality let alone patent illegality or miscarriage of justice, the Criminal Revision Case is dismissed sans costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

Dr. Y. LAKSHMANA RAO, J

Dt: 09.02.2026

Note: LR copy to be marked.

B/o
VTS