APHC010127192023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

THURSDAY, THE 15th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 2042/2023

Between:

1. SIRIVISETTI KOTI NAGESWARA RAO, S/O.RAMA KRISHNA, AGED ABOUT 41 YEARS, OCC.TEACHER, U.P. SCHOOL, SALIPETA, H/O.VIJJANAM LOCK, KAIKALURU MANDAL, KRISHNA DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR HIGH COURT BUILDINGS, AT VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. SIRIVISETTI MARUTHI PRASADAM, W/O.KOTI NAGESWARA RAO, D/O.BATCHU SIRIYA TIRUVADI, AGED ABOUT 36 YEARS, R/O.MODUMUDI VILLAGE, AVANIGADDA MANDAL, KRISHNA DISTRICT.
3. SIRIVISETTI ABHIRAMA CHANDRA, S/O.KOTI NAGESWARA RAO, AGED ABOUT 7 YEARS, MOTHER PROTECTION, R/O.MODUMUDI VILLAGE, AVANIGADDA MANDAL, KRISHNA DISTRICT.
4. SIRIVISETTI STRESTA, D/O.KOTI NAGESWARA RAO, AGED ABOUT 3 YEARS, MOTHER PROTECTION, R/O.MODUMUDI VILLAGE, AVANIGADDA MANDAL, KRISHNA DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtpleased to call for the entire record of the Order dt.10-02-2023 in Crl.MP.No. 56 of 2023 in M.C.No. 44 of 2017 on the file of the court of the Hon'ble Judicial Magistrate of First Class at Avanigadda. Krishna District and quash the same as abuse of process of law and pass

IA NO: 1 OF 2023

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased pleased to grant stay of all further proceedings in M.C.No. 44 of 2017 on the file of the court of the Hon'ble Judicial Magistrate of First Class at Avanigadda, Krishna District, pending disposal of the above Criminal Petition and pass

Counsel for the Petitioner/accused:

1. SAI GANGADHAR CHAMARTY

Counsel for the Respondent/complainant(S):

1. GHANTASALA UDAYA BHASKAR
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

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ORDER:

Heard Sri Sai Gangadhar Chamarty, learned counsel for the petitioner, and learned counsel for respondent No. 2.

2. Learned counsel for the petitioner submitted that, during the enquiry, the petitioner/husband filed a petition seeking issuance of summons to the Village Revenue Officer to produce documents standing in the name of respondent No. 2, with a view to establishing her assets and income. The learned trial Court dismissed the said petition.

3. Learned counsel appearing on either side submitted that the Criminal Petition may be disposed of by directing the learned trial Court to receive affidavits from both parties disclosing their assets and liabilities, in terms of the directions issued by the Hon'ble Supreme Court in ***Rajnesh v. Neha***. Learned counsel further submitted that an appropriate time frame may be prescribed for disposal of the main matter, as the maintenance case was instituted in 2017 by the wife and children.

4. Having considered the submissions of learned counsel on either side, this Court is of the view that the issue can be addressed by directing the learned trial Court to receive affidavits of assets and liabilities from both parties in accordance with the principles laid down in ***Rajnesh v. Neha and Another***[1]. As regards the request for prescribing a time frame, this Court is conscious of the pendency of cases before the learned trial Court. At the same time, the learned trial Court is expected to have due regard to the circulars/instructions issued by the High Court on the administrative side in Roc. No. 559/OP Cell-E/2022, dated 20.10.2022; Roc. No. 560/OP Cell/2022, dated 23.11.2022; and Roc. No. 101/OP Cell/2023, dated 12.10.2023, which

[1] *(2021) 2 SCC 324*

emphasise the need to dispose of matters that have been pending for five years or more as expeditiously as possible.

5. Although it is ordinarily not appropriate to prescribe a time frame for disposal of a case, having regard to the submissions made by both parties and the fact that the maintenance case has been pending since 2017, this Court considers it appropriate to issue a direction for its expeditious disposal. Accordingly, the learned Judicial Magistrate of First Class, Avanigadda, is directed to dispose of M.C. No. 44 of 2017 within three (3) months from the date of receipt of a copy of this order. The learned trial Court shall receive affidavits of assets and liabilities from both parties in accordance with the directions laid down in Rajnesh v. Neha.

6. ***In the result***, the Criminal Petition is disposed of.

As a sequel thereto, pending miscellaneous petitions, if any, shall stand closed.

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SUNITHA GANDHAM, J

15.10.2026

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