

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

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.7097 OF 2024

(CNR No.HBHC010329102024)

DATE: 03.09.2026

Between :

... Petitioners/Accused No.2.

AND

The State of Telangana
Rep. by its Public Prosecutor, High court of T.S.
Hyderabad and three others.

... Respondents.

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, "CrPC") seeking quashment of the proceedings in M.C. No.92 of 2022 on the file of Family Judge, Medchal Malkajgiri District against the parents-in-law.

2. Heard M/s. T.L. Nayan Kumar, learned Counsel appearing for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

3.1. The relevant facts of the case, in brief, are that the 2nd respondent instituted M.C. No. 92 of 2022 seeking maintenance under Section 125 of the Code of Criminal Procedure, 1973 ("CrPC"). The 2nd respondent is the widow of the petitioner's son, whom she married on 09.12.2012. Respondent Nos. 3 and 4 are the minor daughters of respondent No. 2. Respondent No. 2 alleged that, at the time of her marriage, substantial dowry, gold and silver ornaments, and household articles were given, which, according to her, continued to remain in the custody of the petitioner and her husband/parents-in-law. She further alleged that, despite being highly educated, she was not permitted to take up employment and was subjected to mental and physical harassment by the petitioner and her husband. Following the death of her husband on 12.02.2022, respondent No. 2 alleged that the harassment continued and that she was driven out of the matrimonial home by her parents-in-law. Consequently, she was compelled to leave for her parental home along with her minor daughters. It was further alleged that the petitioner and her husband retained respondent No. 2's husband's bank deposits, insurance benefits, documents relating to agricultural land, jewellery, and other assets, thereby preventing respondent No. 2 and her children from obtaining the benefits allegedly due to them. According to respondent No. 2, she had no independent source of income and was unable to maintain herself and her minor children. She alleged that the petitioner and her husband

possessed substantial properties and received sufficient pension income and were, therefore, financially capable of maintaining her and the minor children. On these allegations, respondent No. 2 sought maintenance of Rs. 1,00,000/- per month, additional expenses of Rs. 20,000/-, permanent alimony of Rs. 1 crore, costs, and such other appropriate reliefs as may be granted.

3.2. During the pendency of this petition proceedings, the petitioner's husband/petitioner No.1, who was the father-in-law of respondent No. 2, passed away. Consequently, the proceedings continued against the petitioner alone.

4. Learned counsel for the petitioner contends that Section 125 of the CrPC neither contemplate nor authorises a claim for maintenance against a mother-in-law. It is, therefore, contended that the continuation of the proceedings against the petitioner, who is the mother-in-law of respondent No. 2, amounts to an abuse of the process of law. It is further submitted that respondent No. 2 has also instituted DVC No. 10 of 2023 against the petitioner seeking similar reliefs. According to the petitioner, proceedings under Section 125 of the CrPC are maintainable only against a person who is statutorily liable to pay maintenance under that provision, and the provision does not authorise a claim for maintenance against a mother-in-law. Learned counsel for the petitioner further submits that the continuation of the proceedings

against the petitioner, a 69-year-old widow, in the absence of any statutory liability on her part to maintain respondent No. 2, constitutes an abuse of the process of law. On these grounds, the petitioner seeks quashing of the proceedings insofar as they relate to the reliefs claimed against her.

5. Learned Additional Public Prosecutor opposes the petition and submits that the maintenance proceedings were instituted following the death of respondent No. 2's husband, as respondent No. 2 and her minor children were unable to maintain themselves. It is alleged that substantial dowry, gold and silver ornaments, and household articles were given at the time of the marriage and that, following the death of respondent No. 2's husband, the petitioner subjected respondent No. 2 to harassment and drove her out of the matrimonial home. It is further alleged that the petitioner retained or received the benefits, properties, and assets belonging to or arising from the estate of respondent No. 2's deceased husband. In these circumstances, learned counsel for the respondents submits that respondent No. 2 has no independent source of income and is unable to maintain herself and her minor children, whereas the petitioner, being the parent-in-law and having pension income and substantial properties, is financially capable of maintaining them. It is, therefore, contended that the maintenance proceedings were instituted for the livelihood and welfare of respondent No. 2 and

her minor children. It is further submitted that the pendency of proceedings in DVC No. 10 of 2023 does not, by itself, render the maintenance proceedings under Section 125 of the Cr.P.C. untenable. It is contended that seeking quashing of the proceedings solely on the ground that the petitioner is the mother-in-law, without considering the facts and circumstances of the case in their entirety, would have the effect of depriving respondent No. 2 and her minor children of the maintenance claimed for their livelihood. The respondents, therefore, submit that the petition seeking quashing of the proceedings is misconceived and is liable to be dismissed.

6. I have carefully considered the submissions and perused the material available on record.

7. The principal question for consideration is whether the petitioner, being the mother-in-law of respondent No. 2, can be proceeded against under Section 125 of the CrPC for maintenance claimed by the widowed daughter-in-law and the minor children of her deceased son.

8. Section 125(1) Cr.P.C. specifies the classes of persons entitled to claim maintenance and the corresponding persons liable to maintain them, namely, a wife against her husband, minor children against their father, and a father or mother against a person liable to maintain them.

The provision does not create any statutory liability upon a mother-in-law to maintain her widowed daughter-in-law or the children of her deceased son.

9. Although Section 125 Cr.P.C. is a beneficial measure of social justice intended to prevent destitution and vagrancy, its beneficial object cannot justify enlarging the statutory categories or creating a liability against a person not contemplated by the provision. In *Kirtikant D. Vadodaria v. State of Gujarat*, (1996) 4 SCC 479, the Hon'ble Supreme Court, while considering the expression 'mother' in Section 125(1)(d), held that the statutory relationship cannot be extended merely by invoking the beneficial object of the provision. The principle applies equally to the question whether a mother-in-law can be made liable for maintenance of her widowed daughter-in-law or grandchildren.

10. Further, the petitioner's alleged substantial properties, pension income, or possession of assets belonging to the deceased cannot, by themselves, create liability under Section 125 Cr.P.C. The existence of sufficient means becomes relevant only where the person concerned is otherwise statutorily liable to maintain. Such circumstances cannot supply the missing statutory relationship. However, this conclusion does not leave respondent No. 2 without a remedy. Where applicable, the Hindu Adoptions and Maintenance Act, 1956 (HAMA) provides a

specific remedy. Section 19 of the HAMA recognises, subject to the conditions prescribed therein, the right of a widowed daughter-in-law to claim maintenance from her father-in-law. The provision, however, does not impose an equivalent statutory liability upon the mother-in-law. A remedy under the HAMA cannot therefore be transposed into proceedings under Section 125 Cr.P.C., as the two provisions operate under distinct statutory schemes.

11. The dictum in *Rajnish v. Neha*, (2021) 2 SCC 324, does not alter this position. While the Supreme Court recognised the need to harmonise maintenance proceedings under different statutes and directed disclosure and appropriate adjustment where parallel maintenance orders exist, it did not enlarge the classes of persons liable under Section 125 CrPC. Likewise, the pendency of proceedings under the Protection of Women from Domestic Violence Act does not, by itself, render proceedings under Section 125 CrPC maintainable or non-maintainable. The remedies operate under different statutory frameworks, subject to appropriate disclosure and adjustment of overlapping monetary reliefs.

12. In the present case, the petitioner is admittedly only the mother-in-law of respondent No. 2. There is no statutory provision under Section 125 Cr.P.C. making her liable to maintain her widowed daughter-in-law or the children of her deceased son. The death of the

petitioner's husband does not transfer or otherwise create in the petitioner any liability that was not imposed upon her by statute. Liability under Section 125 Cr.P.C. is statutory and cannot be transferred to another family member merely because of the relationship between them.

13. Accordingly, the petitioner does not fall within the class of persons made liable under Section 125 Cr.P.C. to maintain respondent No. 2 or her minor children. The allegations regarding her means, properties, pension, or alleged possession of the deceased's assets may give rise to such other remedies as are available in law, but they cannot create liability under Section 125 Cr.P.C. In the absence of statutory liability, continuation of the proceedings against the petitioner would amount to an abuse of the process of the Court.

14. Accordingly, the Criminal Petition is allowed. The proceedings in M.C. No.92 of 2022 on the file of the learned Family Judge, Medchal-Malkajgiri District, insofar as they are continued against the petitioner, are held to be not maintainable under Section 125 CrPC and are hereby quashed insofar as the petitioner is concerned.

Consequently, all pending miscellaneous applications, if any, shall stand closed.

Date: 03.09.2026
MRKR

N.TUKARAMJI, J

THE HON'BLE SRI JUSTICE N. TUKARAMJI

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