

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

MONDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 9946 OF 2025

Between:

1. Shaik Mohammed Jaffer, S/o Sk. Farid, aged about 58 yrs., Occ. Central Govt. Servant, R/o. Flat No. 214, Block-A, Janapriya Sadan, Race Course Road, Old Malakpet, Hyderabad-36
2. Zakia Farid, W/o. Sk. Farid, Aged About 85 years., Occ. Retd. Govt. Servant, R/o. Flat No. 214, Block-A, Janapriya Sadan, Race Course Road, Old Malakpet, Hyderabad-36

.. ...PETITIONERS/ACCUSED NO 1 & 2

AND

1. The State of Telangana, Rep. by its Public Prosecutor High Court of Telangana, Through P.S. WPS, CCS, DD, Hyderabad. (Crime No. 109/2021)
2. N. Padmaja, W/o. SK. Md. Jaffer, Aged about. 56 years, Occ. Private employee/Business, R/o. Flat No. 214, Block-A, Janapriya Sadan, Race Course Road, Old Malakpet, Hyderabad-36 Cell No. 9014021620

.....RESPONDENTS

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in Chargesheet vide C.C. No. 12861 of 2021 dt. 21-10-2021 in F.I.R. No. 109 of 2021 P.S. WPS, CCS, DD, Hyderabad on the file of the Hon'ble XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS 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 it is therefore prayed that this Hon'ble Court may be pleased to extend the interim orders in CrI P No 9946 of 2025 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in the Chargesheet vide C.C. No. 12861 of 2021 dt. 21-10-2021 in F.I.R. No. 109 of 2021 P.S. WPS, CCS, DD, Hyderabad on the file of the Hon'ble XIII Additional Chief Metropolitan Magistrate at. Nampally, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri TOKALWAR JYOTI DEVI ,Advocate for the Petitioners and the SRI. JITHENDER RAO VEERAMALLA, Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No. 2

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.9946 OF 2025

ORDER:

This Criminal Petition is filed by the petitioners-accused Nos.1 and 2 seeking to quash the proceedings against them in C.C.No.12861 of 2021 on the file of learned XIII Additional Chief Metropolitan Magistrate, Hyderabad at Nampally, registered for the offences under Sections 498A and 506 I.P.C.

2. Heard Sri Zafar Ali Nawab, learned Senior Counsel representing Sri T. Jyothi Deva Reddy, learned counsel for the petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1-State.

3. Learned Senior Counsel for the petitioners submitted that respondent No.2-*de facto* complainant has filed a similar complaint earlier, based on which C.C.No.200 of 2016 on the file of learned XIII Additional Chief Judicial Magistrate, Mahila Court, Hyderabad, was registered and it got ended in acquittal. Again, the present complaint is filed alleging offences under Sections 498A and 506 I.P.C. He further submitted that the only intention of the *de facto* complainant is to harass the petitioners herein. Petitioner No.1 herein is the husband of *de facto* complainant, who is aged about 58 years, and is due for

retirement and petitioner No.2 herein is the mother of petitioner No.1, who is aged about 85 years. There are no specific allegations against the petitioners in the present complaint. He further submitted that in the maintenance case filed by the *de facto* complainant, she admitted during the course of her cross-examination that she lived with petitioners till the education and settlement of their children was completed. But, she has filed the present complaint bearing grudge against the petitioners. He, therefore, prayed to quash the proceedings in the present C.C. against the petitioners.

4. Learned Additional Public Prosecutor submitted that there are specific allegations against the petitioners herein. The prosecution could record the statements of LWs.1 and 2 and also the independent witness, LW.3, who stated about the harassment made by the petitioners herein against the *de facto* complainant. He, therefore, prayed to dismiss the Criminal Petition.

5. Perused the record.

6. A perusal of the complaint points out specific incidents and dates of harassment. The statement of LW.1 also discloses the specific dates of harassment alleged to have occurred on 20.06.2020 and 25.01.2021, which gave rise to the present complaint. The earlier

case in C.C.No.200 of 2016 registered under Section 498A I.P.C. ended in acquittal. The present case arose out of new set of incidents and thus, on the ground of acquittal arrived at in the earlier case, the present case cannot be quashed. It is further borne out by record that LW.3 is an independent witness and her statement also discloses specific allegations against the petitioners herein. The truth or otherwise of the allegations shall be culled out after a full-fledged trial. Therefore, it is deemed appropriate to dispose of the Criminal Petition by dispensing with the attendance of the petitioners before the trial Court.

7. Accordingly, the Criminal Petition is disposed of dispensing with the attendance of the petitioners before the trial Court provided they are represented by a counsel before the trial Court on every date of hearing and shall appear before the trial Court whenever their presence is required during the course of trial.

Miscellaneous applications, if any, pending shall stand closed.

**SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The XIII Additional Chief Metropolitan Magistrate at. Nampally, Hyderabad.
2. The Station House Officer, Police Station WPS, CCS, DD, Hyderabad
3. One CC to SRI TOKALWAR JYOTI DEVI Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

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HIGH COURT

DATED:03/11/2025

ORDER
CRLP.No.9946 of 2025



DISPOSING THE CRIMINAL PETITION

⑧
22/11/25
b.k.