

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

TUESDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 12618 OF 2025

Between:

Mohammed Toufeeq Pasha, S/o Mohd Taher Pasha, Aged about 36 years,
Occ. Business, R/o H No 193262/11/B, Bibi Ka Chashma Jahanuma,
Charminar, Falaknuma, Hyderabad 500053.

...PETITIONER A- 6

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court of Telangana, Hyderabad.
2. Smt. Yasmeen Tabassum, W/o Mohd Tayyab Pasha, Age. 2C years, Occ. Housewife, R/o It No. 7-70, Sadath Nagar, Errakunta, Ranga Reddy District.

...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 all proceedings against me in PRC No. 320/2021 dated 25/09/2019, Falaknuma Police Station, Hyderabad, and related cases, as illegal, arbitrary, and unjust. The acquittal of co-accused on 10/02/2025, the settlement on 11/12/2019, 12 supporting judgments, and my non-charge-sheeted status provide compelling grounds for relief. The absence of evidence, hostile witnesses, and resolved marital dispute negate any basis for prosecution, The judicial trend of quashing baseless cases under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, applies to prevent miscarriage of justice. Continued proceedings constitute an abuse of process, causing undue harassment. I seek quashing to restore my peace and uphold fairness as of 01.09 AM IST on 03/08/2025.

I.A. NO: 2 OF 2025

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 High Court stay all proceedings in PRC 320/21 arising out of Crime No. 29/2019 and related cases, including any coercive actions against me, to prevent irreparable harm. The lack of evidence, my non-charge-sheeted status, and the settlement justify a stay to ensure justice. The judicial precedents and acquittal support halting proceedings to avoid harassment. A stay is essential to maintain the status quo until the quash petition is adjudicated.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Md. Fasiuddin, Advocate for the Petitioner and Mr. Jithende Rao Veeramalla, Additional Public Prosecutor, High Court for the State of Telangana, Hyderabad on behalf of the Respondent No.1/ State and none appeared for Respondent No.2.

The Court made the following: ORDER:

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.12618 of 2025

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/accused No.6 seeking to quash the proceedings against him in P.R.C.No.320 of 2021 on the file of XVI Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, registered for the alleged offences punishable under Sections 354-B, 376, 417, 420 and 376 read with 109 of the Indian Penal Code, 1860 and Section 7 of the Drugs and Magic remedies (Objectionable Advertisement) Act, 1954.

2. Heard Mr. Mohd. Fasoiddin, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1.

3. Learned counsel for the petitioner submitted that the petitioner was not charge-sheeted and was shown as absconding, while the other accused who faced trial in S.C.No.142 of 2024 were acquitted by judgment dated 10.02.2025. The prosecution witnesses, PW.1 to PW.3 did not

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support the case of the prosecution and turned hostile. Therefore, the learned Sessions Court recorded a finding of acquittal in favour of Accused Nos.1, 2, 3, 5 and 7. The case of the present petitioner, who is Accused No.6, stands on the same footing as that of the other accused who were found not guilty. Hence, the learned counsel for the petitioner sought the same relief and submitted that continuation of proceedings against the petitioners would amount to an abuse of the process of law. Accordingly, he prayed to quash the proceedings against the petitioner.

4. The learned Additional Public Prosecutor submitted that appropriate orders may be passed, based on the record.

5. Perused the record. The petitioner herein, who is Accused No.6, is named in the F.I.R., but no charge sheet was filed against him, and he was shown as absconding. The learned Sessions Court, while dealing with S.C.No.142 pf 2024, analyzed the evidence and found that PW.1 to PW.3 had turned hostile and did not support the prosecution case. Consequently, a judgment of acquittal was passed in favour of Accused Nos.1, 2, 3, 5 and 7. The case against Accused No.4 abated as he had died during

pendency of the case. The petitioner herein, who is arrayed as No.6, if subjected to trial, the evidence of the prosecution would remain the same, with no new material available on record to arrive at a different conclusion, and since the matter already ended in acquittal for the other accused in S.C.No.142 of 2024, the same relief is entitled to be extended to the petitioner. Hence, continuation of the proceedings against the petitioner would amount to an abuse of the process of law.

6. Accordingly, the Criminal Petition is allowed and the proceedings in P.R.C.No.320 of 2021 on the file of XVI Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, against the petitioner-accused No.6, are hereby quashed.

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

Sd/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XVI Additional Chief Metropolitan Magistrate at Nampally, Hyderabad
2. The Station House Officer, Faluknama Police Station, Hyderabad.
3. One CC to Sri. Md.Fasiuddin, Advocate [OPUC]
4. Two CC to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
5. Two CD Copies.

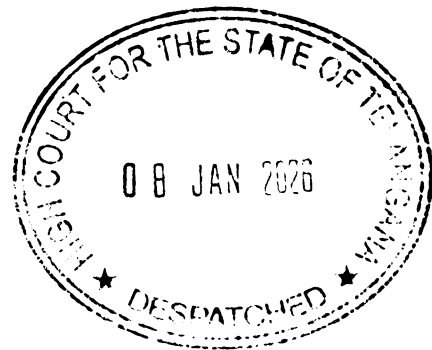
PSK /PR

HIGH COURT

DATED:18/11/2025

ORDER

CRLP.No.12618 of 2025



ALLOWING THE CRIMINAL PETITION

⑧MT
10/12/25