IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.2682 of 2025

(CNR.No. HBHC010109512025)

DATED 18.11.2026

Between:

Saleem Khan

..Petitioner-accused

And

1. The State of Telangana

...Respondent No.1-State

2. Smt. Mehraj Sultana

....Respondent No.2-complainant.

O R D E R

1. This Memorandum of Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying this Court to quash the proceedings in C.C.No.4835 of 2022 pending on the file of the learned VII Additional Chief Metropolitan Magistrate, at Hyderabad.

2. Heard Sri Mohd. Asifuddin, learned counsel for petitioner-accused, Sri M. Ramachandra Reddy, learned Additional Public Prosecutor appearing for respondent No.1–State.

3. Learned counsel for the petitioner submits that the allegations made in the complaint, charge sheet are baseless, false,

concocted and far from truth. There is no evidence and basis to lodge a complaint by respondent No.2-complainant. Petitioner-accused being resident of the same locality having found that the respondent No.2-complainant along with her henchmen resorted to dismantling the graves belonging to the petitioner-accused relatives, made a complaint to the Waqf Board and inturn Waqf Board has addressed a Letter to SHO, Municipal authorities and also to Task Force. Waqf Board has issued a letter dated 15.06.2022 wherein the above mentioned persons visited and conducted spot inspection and in fact the petitioner-accused never trespassed nor cheated as alleged in the complaint. It is the officials of the Waqf Board and Assistant City Planner officials visited the site pursuant to the proceedings above mentioned. Complaint is nothing but false allegations made against the petitioner-accused and prayed to quash C.C.No.4835 of 2022 pending on the file of the learned VII Additional Chief Metropolitan Magistrate, at Hyderabad.

4. Learned Additional Public Prosecutor submits that the petitioner-accused has not made out any case to quash the proceedings in C.C.No.4835 of 2022.

5. Respondent No.2-complainant has filed counter and contended that respondent No.2 acted to safeguard the Waqf property and the reliance is made by the petitioner-accused on the

Waqf Board is misleading. Investigation is fair and comprehensive, interference under Section 482 of Cr.P.C. at this stage would be prejudice and prayed to dismiss the petition.

6. Heard learned counsel for the petitioner-accused and learned Additional Public Prosecutor for respondent No.1.

7. Respondent No.2 counsel failed to argue the matter.

8. Now the point for consideration is: Whether the petitioner-accused has made out any case to quash the proceedings in C.C.No.4835 of 2022 pending on the file of the learned VII Additional Chief Metropolitan Magistrate, at Hyderabad.

Point:

9. Respondent No.2-complainant has lodged a complaint before P.S. Santoshnagar on 01.06.2022. It is stated in the complaint that she is the actual owner of H.No.17-1-305/1/A near Water Tank, Bakshikanal, Edi Bazar, Santoshnagar, Hyderabad, there was a gate to her house but due to extension of the wall of Syed Sadab Sahab Ki Dharga, her gate was closed, she opened a new gate towards the road side for entrance by constructing the wall and gate on 28.05.2022 in the morning. On the same day at around 7 p.m. one person by name Saleem Khan aged about 40 yrs, R/o near water tank, Edibazar, came and introduced himself as the Govt. Employee and damaged the wall and gate by pushing

it and entered into her house. Basing on the said complaint, FIR came to be registered against Saleem Khan for the offences under Sections 447 and 427 of IPC.

10. It is to be noted here that police has filed the charge sheet before the concerned Court on the date of lodging the complaint itself, the same is numbered as C.C.No.4835 of 2022. LW.1 is the complainant and LWs.2 and 3 are the eye witnesses and LWs.4 and 5 are panch witnesses and LW.6 is the investigating officer.

11. Petitioner counsel has drawn the attention of this Court to the letter dated 15.06.2022 issued by the Chief Executive Officer, Telangana State Waqf Board, Hyderabad to the Station House Officer, Santoshnagar P.S. Hyderabad. Para No.2 of the letter states that it has been reported vide ref. cited that Mrs. Meraj Sultana H.No.17-1-305/A/1, Bakshi ka Nal, Edi Bazar, Hyderabad, her associates on instigation of Mr. Younus has removed/demolished the graves in the Graveyard and constructed compound wall duly mixing the graveyard premises into her house premises. Counsel has also drawn the attention of this Court to the photographs which are annexed to the criminal petition which shows that there are some trenches and thereafter there is a compound wall.

12. During the course of arguments, learned counsel for the petitioner submits that trial in C.C.No.4835 of 2022 is commenced on 26.10.2026, LW.1 is examined as PW.1, LW.2 is examined as PW.2 and C.C. is coming up for cross-examination of the above said witnesses on 20.11.2026.

13. The list of witnesses shown in the charge sheet are only two eye witnesses apart from the complainant and there are two panch witnesses and thereafter, the IO who has filed charge sheet.

14. Since trial in C.C. is already commenced, this Court is not expressing any opinion on the merits of the matter and the learned trial Court to dispose of the C.C. as expeditiously as possible.

15. With the above observations, this Criminal Petition is disposed of.

Interim order stands vacated, miscellaneous application/s shall stand closed.

B.R.MADHUSUDHAN RAO, J

Date: 18.11.2026
Note: Issue C.C. by tomorrow.
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