IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 8416 OF 2026

Between:

Mohammed Zainulabuddin, S/o Mohammed Zaheeruddin, Age. 34 years, Occupation. Private Service, R/o H.No. 18-2-418/A/A/2/1, Opp. Medina Medical Hall, Near Masjid e Kusar, Hafez Baba Nagar, Hyderabad, Telangana.

...Petitioner

AND

1. The State of Telangana, Through its Public Prosecutor in the High Court of For the State of Telangana, At Hyderabad T.S., **...Respondent**
2. Naela Sultana, W/o Mohammed Zainulabuddin, Aged 32 years, Occupation. Household,
3. Mohammed Arhamuddin, S/o Mohammed Zainulabuddin, Age 2 months (minor), Rep. by natural mother and guardian (Respondent No.2)

Both R/o H.No. 17-1-64/c, Santosh Nagar, VTC, Saidabad, Hyderabad, Telangana.

...RESPONDENT No. 2 & 3

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 modify order dated. 28.04.2026 passed by the Learned I ADDL FAMILY COURT CUM XIV ADDL METROPOLITAN SESSIONS COURT, HYDERABAD, in Crl M.P No. 634 of 2025 IN M.C No. 234 of 2024 by setting aside the condition that the petitioner has to pay half of arrears amount pending.

I.A. NO: 1 OF 2026

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 MC No. 234 of 2024 on the file of I ADDL FAMILY COURT CUM XIV ADDL METROPOLITAN SESSIONS COURT, HYDERABAD, pending disposal of the Criminal Petition.

I.A. NO: 3 OF 2026

Between:

1. Naela Sultana, W/o Mohammed Zainulabuddin, Aged 32 years, Occupation. Household. R/o H.No. 17-1-64/c. Santosh Nagar. VTC, Saidabad, Hyderabad, Telangana
2. Mohammed Arhamuddin, S/o Mohammed Zainulabuddin, Age 2 months (minor), R/o H.No. 17-1-64/c, Santosh Nagar, VTC, Saidabad, Hyderabad, Telangana (Rep. by natural mother and guardian i.e., Petitioner No. 1 herein)

...Petitioners/Respondents No. 2 & 3

AND

1. Mohammed Zainulabuddin. S/o Mohammed Zaheeruddin, Age. 34 years, Occupation. Private Service, R/o H.No. 18-2-418/A/A/2/1, Opp. Medina Medical Hall. Near Masjid e Kusar, Hafez Baba Nagar, Hyderabad, Telangana.
2. The State of Telangana, Through its Public Prosecutor in the High Court of For the State of Telangana. At Hyderabad.

...Respondents/Petitioner/Respondent No. 1

Petition under Section 482 of Cr.P.C and 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 vacate the interim suspension order dated 10/06/2026 in IA.NO. 1 of 2026.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Gulam Rabbani, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri Kishore Singh, Advocate for the Respondent No. 2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.8416 of 2026
CNR.No. HBHC010353082026
Date: 06.10.2026.

Between:
Mohammed Zainulabuddin

...Petitioner

AND

The State of Telangana and two others

...Respondents

ORDER

This Criminal Petition is filed by the petitioner, aggrieved by the order passed by the I Additional Family Court-cum-XIV Additional Metropolitan Sessions Court, Hyderabad, in M.P.No.654 of 2025 in M.C.No.234 of 2024, dated 28.04.2026, to the extent the petitioner was directed to pay half of the arrears of the amount, while allowing the petition filed by the petitioner.

2. Heard Mr.Gulam Rabbani, learned counsel for the petitioner, Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1 and Mr.Kishore Singh, learned counsel for respondent No.2.

3. The learned counsel for the petitioner submitted that respondent No.2 filed M.C.No.234 of 2024 before the trial Court, invoking the provisions of Section 125 of the Cr.P.C., claiming maintenance of Rs.15,000/- each per month for herself and for respondent No.3, who is her minor son. The learned trial Court, by order dated 21.08.2025, allowed the said M.C. in part by passing an ex-parte order and directed the petitioner to pay an amount of Rs.10,000/- per month each to respondent Nos.2 and 3 from the date of the petition. Immediately after coming to know about the said ex-parte order, the petitioner approached the trial Court and filed M.P.No.654 of 2025, invoking the provisions of Section 126(2) of the Cr.P.C. read with Section 10 of the Family Courts Act, seeking to set aside the ex-parte order dated 21.08.2025. The learned trial Court allowed the said petition by order dated 28.04.2026; however, while setting aside the ex-parte order, imposed an onerous condition directing the petitioner to pay half of the arrears amount. He further submitted that, once the trial Court had set aside the ex-parte order dated 21.08.2025 passed in M.C.No.234 of 2024 and permitted the

petitioner to contest the proceedings therein, it ought not to have imposed a condition directing the petitioner to pay half of the arrears amount. Hence, the impugned order passed by the learned trial Court is contrary to law and is liable to be set aside to the extent of the condition imposed therein.

4. *Per contra*, the learned counsel for respondent No.2 submitted that respondent No.2 filed M.C.No.234 of 2024 in June 2024, on behalf of herself and her minor son. Though the petitioner received summons in the said M.C., he failed to contest the matter. Thereafter, the learned trial Court, upon considering the oral and documentary evidence adduced on behalf of respondent No.2, allowed the said M.C. in part and directed the petitioner to pay an amount of Rs.10,000/- per month each towards maintenance to respondent Nos.2 and 3. Thereafter, the petitioner filed M.P.No.654 of 2025 seeking to set aside the ex-parte order. The learned trial Court, with an intention to provide an opportunity to the petitioner to contest the proceedings, allowed the said petition on 28.04.2026 subject to the condition that the petitioner shall pay half of the arrears

amount. The order passed by the learned trial Court is in accordance with law, particularly when the petitioner is not disputing his relationship with respondent Nos.2 and 3.

4.1 He further submitted that respondent No.2 has no source of income to maintain herself and her minor son. The petitioner, being the husband of respondent No.2 and father of respondent No.3, has an obligation to maintain his wife and minor child. In support of his contention, he relied upon the order passed by the High Court of Allahabad in ***Lalit Singh v. State of Uttar Pradesh***[1], wherein, while setting aside the order passed by the trial Court in the M.C., the High Court directed the petitioner therein to deposit an amount of Rs.1 crore before the Court below and further directed him to pay an amount of Rs.5,000/- towards maintenance to the parties therein, until disposal of the said M.C.

5. The learned Additional Public Prosecutor submitted that the petitioner is not disputing the relationship between himself and respondent Nos.2 and 3 and, therefore, he is under an

[1] Criminal Revision No. 3686 of 2023, on 01.12.2023

obligation to pay maintenance to them, particularly when respondent No.2 has pleaded that she has no source of income to maintain herself and her minor child, respondent No.3. He further submitted that the learned trial Court has rightly imposed the condition while allowing the petition filed by the petitioner.

6. This Court considered the submissions made by the respective parties and perused the record. It is not in dispute that respondent Nos.2 and 3 are the wife and son of the petitioner, respectively. Respondent No.2 filed M.C.No.234 of 2024 in June 2024, invoking the provisions of Section 125 of the Cr.P.C., claiming maintenance of Rs.15,000/- each per month for herself and for her minor son, i.e., respondent No.3. Even according to the learned counsel for the petitioner, the petitioner received summons in the said M.C. but failed to contest the matter. Thereafter, respondent No.2 entered the witness box and was examined as PW.1, and Exs.P.1 to P.6 were marked on behalf of respondent No.2. The learned trial Court, upon considering the oral and documentary evidence available on record, allowed the M.C. in part by order dated 21.08.2025 and directed the

petitioner to pay an amount of Rs.10,000/- each per month to respondent Nos.2 and 3 towards maintenance, from the date of the petition. The petitioner was further directed to pay the said amount on or before the 10th of every successive month and to clear the arrears within a period of three months from the date of the said order. Thereafter, the petitioner filed M.P.No.654 of 2025 seeking to set aside the ex-parte order dated 21.08.2025. Taking into consideration the facts and circumstances of the case, the learned trial Court allowed the said petition with an intention to provide one opportunity to the petitioner to contest the proceedings, subject to the condition that the petitioner shall pay half of the arrears amount, failing which the petition shall stands dismissed.

7. The specific case of respondent No.2 is that she is a housewife and has no source of income to maintain herself and her minor son. Even according to the learned counsel for the petitioner, the petitioner is not disputing his relationship with respondent Nos.2 and 3. Hence, this Court is of the considered view that the petitioner, being the husband of respondent No.2

and the father of respondent No.3, has to provide the necessary financial assistance to them.

8. Taking into consideration the peculiar facts and circumstances of the case and to render substantial justice to the parties, this Court is of the considered view that the impugned order passed by the learned trial Court in M.P.No.654 of 2025, dated 28.04.2026, to the extent of directing the petitioner to pay half of the arrears amount, is set aside, subject to the following conditions:

1. The petitioner shall deposit an amount of Rs.1,00,000/- before the learned trial Court, to the credit of M.C.No.234 of 2024, in favour of respondent Nos.2 and 3, within a period of four weeks from the date of receipt of a copy of this order, on such deposit the respondent Nos.2 and 3 may be permitted to withdraw the same.

2. The petitioner shall pay an amount of Rs.5,000/- per month to respondent No.2 and Rs.7,500/- per month

to respondent No.3 towards interim maintenance, on or before the 10th day of every succeeding month, till the disposal of M.C.No.234 of 2024.

3. The learned trial Court is directed to conclude the trial and dispose of M.C.No.234 of 2024 as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of a copy of this order. The parties in lis shall cooperate with the trial Court for disposal of the case without seeking undue adjournments.

9. With the above directions, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judge, I Additional Family Court-Cum-XIV Additional Metropolitan Sessions Court, Hyderabad.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
3. One CC to Sri Gulam Rabbani, Advocate [OPUC]

4. One CC to Sri Kishore Singh, Advocate [OPUC]
5. Two CD Copies

DL/BA

OBM

HIGH COURT

DATED: 06/10/2026

ORDER

CRLP.No.8416 of 2026



DISPOSING OF THE CRIMINAL PETITION

(8)
OBJ
16-10-26.