IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17521 OF 2026

Between:

1. Kuncham Azaraiah, S/o. Not known to Applicant, Age about 76 years, Occ: Service (Retired), R/o 8-7-167/30, Road No.2, Raja Reddy Colony, Opp. Balaji Residency. Old Bowenpally. Hyderabad, Telangana-500011.
2. Kuncham Thirupalamma (Esther), W/o. K. Azaraiah, Age about. 72 years, Occ: Service (Retired), R/o 8-7-167/30, Road No.2, Raja Reddy Colony, Opp: Balaji Residency, Old Bowenpally, Hyderabad. Telangana-50001.

...PETITIONERS(R2 & R3 in DVC)

AND

1. The State of Telangana, through rep by its Public prosecutor, High Court at Hyderabad for the State of Telangana
2. Smt.Fareena Begum, W/o K. Jyothi kiran, Aged about 40 years, Occ: Home Maker, R/o. H.No.8-7-167/30, Road No.2, Raja Reddy Colony, Opp. Balaji Residency, Old Bowenpally, Hyderabad, Telangana-500011.

...RESPONDENTS

Petition under Section 528 of BNSS, Act., praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings against the Petitioners in DVC No. 410 OF 2025 before the file of Hon'ble IV Metropolitan Magistrate of the Metropolitan Magistrate Courts Of Integrated Family Court Hyderabad District, Telangana State.

I.A. NO: 2 OF 2026

Petition under Section 528 of BNSS, Act., 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 including dispense with the appearance of the petitioners in DVC No. 410 OF 2025 Before the file of hon'ble IV Metropolitan Magistrate of the Metropolitan Magistrate Courts of Integrated Family Court Hyderabad District, Telangana State.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Dhana Lakshmi Tallapalem, Advocate for the Petitioner and of Sri. Jithender Rao Veeramalla, the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None appeared for 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.17521 of 2026

CNR.No. HBHC010732082026

Date:26.10.2026

Between:

Kuncham Azaraiah and another

...petitioners/Respondent Nos.2 and 3

AND

The State of Telangana and another

...respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in D.V.C.No.410 of 2025, on the file of the IV Metropolitan Magistrate of the MM Courts of Integrated Family Court Hyderabad, against petitioners/respondent Nos.2 and 3.

2. Heard Mr. T. Dhanalakshmi, learned counsel for the petitioners and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Though the criminal petition was filed seeking to quash the proceedings in D.V.C.No.410 of 2025, when this Court expressed a view that the grounds which are raised by the petitioners and whether respondent No.2 is entitled to relief sought against the petitioners are disputed facts and the same have to be decided by the trial Court after full-fledged trial. At this stage, the learned counsel for the petitioners, requested this Court to dispense with the appearance of the petitioners/respondent Nos.2 and 3 in D.V.C.No.410 of 2025, on the file of the IV Metropolitan Magistrate of the MM Courts of Integrated Family Court Hyderabad, on the ground that the petitioners are senior citizens and it is very difficult for the petitioners to appear on each and every date of adjournment in the trial Court. As such the learned counsel sought for dispensing with the presence of petitioners before the Trial Court.

4. The learned Additional Public Prosecutor has not opposed the submission made by the learned counsel for petitioners and requested to pass appropriate orders.

5. Taking into consideration the peculiar facts and circumstances of the case and also the submissions made by the learned counsel for the petitioners, the presence of the petitioners/respondent Nos.2 and 3 in D.V.C.No.410 of 2025, on the file of the IV Metropolitan Magistrate of the MM Courts of Integrated Family Court Hyderabad, is dispensed with, subject to the condition that they shall be represented by their counsel on every date of hearing, unless their presence is specifically required during the course of the trial. In the event of non-appearance of petitioners/respondent Nos.2 and 3 on any date so fixed by the trial Court, the trial Court shall be entitled to proceed with the matter in accordance with law.

6. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The IV Metropolitan Magistrate of the MM Courts of Integrated Family Court Hyderabad District, Telangana State.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to Sri. Dhana Lakshmi Tallapalem, Advocate [OPUC]
4. Two CD Copies

Pr/GNK

HIGH COURT

DATED: 26/10/2026



ORDER

CRLP.No.17521 of 2026

DISPOSING OF THE CRIMINAL PETITION

MK
3/11/2026
7 Copies