

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF JANUARY

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 1033 OF 2026

Between:

Koyyada Kumar, S/o. Late Mondaiah

Petitioner/A-1(Husband of R2)

AND

1. The State of Telangana, rep by its Public prosecutor, High Court For the State of Telangana, Hyderabad
2. Koyyada Padma @ Dasari Uma, W/o. Kumar, D/o. Ramulu Dasari, Occ.Coolie, R/o. CT-403, Amray Colony, Pochampad Village, Mendora Mandal, Nizamabad District.

Respondents/Complainant

WHEREAS the Petitioner above named through his Advocate SRI KATUKURI VISHNUVARDHAN presented this Petition under Section 528 of B.N.S.S., praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to quash the proceedings against the Petitioner/ A.1 in CC.No.394 of 2024 on the file of the Prl. Junior Civil Judge cum Judicial Magistrate of First Class at Armoor, Nizamabad;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI KATUKURI VISHNUVARDHAN Advocate for the Petitioner, Public Prosecutor for Respondent No.1 directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

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You viz;

Koyyada Padma @ Dasari Uma, W/o. Kumar, D/o. Ramulu Dasari,
Occ.Coolie, R/o. CT-403, Amray Colony, Pochampad Village, Mendora
Mandal, Nizamabad District.

are directed to show cause on or before 03.03.2026 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

IA NO: 1 OF 2026

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to stay of all further proceedings including appearance of the Petitioner/A.1 in CC.No.394 of 2024 on the file of the Prl. Junior Civil Judge cum Judicial Magistrate of First Class at Armoor, Nizamabad, pending disposal of CRLP No. 1033 of 2026, on the file of the High Court.

The Court made the following:

ORDER

Mr. Katukuri Vishnu Vardhan, learned counsel for the petitioner submits that the petitioner has not committed the offences and he was falsely implicated in the present crime. Even according to the complaint and final report, there are no specific allegations leveled against the petitioner to attract the ingredients under Sections 498A of The Indian Penal Code (for short 'IPC') and Section 4 of The Dowry Prohibition Act (for short 'DP Act'). He further submitted that respondent No.2 left the marital home of the petitioner voluntarily on 04.01.2017 and since then, they are living separately. The petitioner had approached the Court for Senior Civil Judge cum Assistant Sessions Judge at Godavarikhani and filed H.M.O.P.No.57 of 2022 seeking restitution of conjugal rights and the same was allowed on 23.10.2023. In spite of the same, respondent No.2 has not come forward to live

along with the petitioner. At this stage, the petitioner filed H.M.O.P.No.59 of 2024 seeking decree of divorce by dissolving the marriage of the petitioner and respondent No.2 and the same was allowed on 02.09.2024. Hence, the continuation of the proceedings against the petitioner is a clear abuse of process of law.

Learned counsel further submits that the trial has not yet commenced before the Trial Court.

Taking into consideration the above said submissions, this Court is of the view that the grounds, which were raised by the learned counsel for the petitioner, require detailed examination.

Notice before admission.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 by way of speed post with acknowledgment due and file proof of service.

Post on 03.03.2026.

Taking into consideration the above said submission of the learned counsel for the petitioner, the presence of the petitioner/accused No.1 in C.C.No.394 of 2024 on the file of the Principal Junior Civil Judge cum Judicial Magistrate of First Class at Armoor, Nizamabad, is dispensed with, subject to the condition that he shall be represented through his counsel on each and every date of hearing. If the presence of the petitioner is required, he shall appear before the trial Court. In case of non-appearance on the specific date fixed by the trial Court for his appearance, the trial Court is entitled to proceed with the matter, in accordance with law.

Sd/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Junior Civil Judge cum Judicial Magistrate of First Class at Armoor, Nizamabad

2. The Station House Officer, Mendora Police Station, Nizamabad District
 3. Koyyada Padma @ Dasari Uma, W/o. Kumar, D/o. Ramulu Dasari, Occ. Coolie, R/o. CT-403, Amray Colony, Pochampad Village, Mendora Mandal, Nizamabad District. (by RPAD- along with a copy of petition and memorandum of grounds)
 4. Two CCs to Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
 5. One CC to SRI KATUKURI VISHNUVARDHAN Advocate [OPUC]
 6. One spare copy
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HIGH COURT

JSR,J

DATED:30/01/2026

Post on 03.03.2026

NOTICE BEFORE ADMISSION

CRLP.No.1033 of 2026

DIRECTION

