

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

**MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5812 OF 2026

Between:

K. T. Prasad Rao, S/o. Late K.V. Thirupathi Rao, A/a. 61 years, Occ. Retired,
R/o. Plot No. 61, Meghana Township, Near Rajiv Nagar, Vikarabad District.

...Petitioner/Respondent

AND

1. State of Telangana,,rep. its Public Prosecutor, High Court of Telangana, Hyderabad
2. Kalla Aruna @ T. Aruna, W/o. K. T. Prasad Rao, A/a. 65 years, Occ. Service R/o. Flat No. 203, 2nd Floor, Garonda Perumal Apartments, Padmarao Nagar, Secunderabad.

...Respondent/Petitioner

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 set-a-side the order dated 27-02-2026 passed by the Principal Family Court, Secunderabad in M.P. No. 533 of 2025 in M.P. No.304 of 2024 in M.C. No. 42 of 2020.

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 Suspend the Docket Order in M.P. No.304 of 2024 on the file of Principal Family Court, Secunderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri A L Raju , Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondent No. 1 and none appeared 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.5812 of 2026

Date: 04.05.2026.

Between:

K.T.Pasad Rao

...Petitioner

AND

State of Telangana and another

...Respondents

ORDER

This Criminal Petition is filed aggrieved by the order dated 27.02.2026 passed by the learned Principal Family Court, Secunderabad, in M.P. No. 533 of 2025 in M.P. No. 304 of 2024 in M.C. No. 42 of 2020, whereby the application filed by the petitioner seeking recall of the NBW issued against him on 17.11.2025 was dismissed.

2. Heard Mr.A.L.Raju, learned counsel for the petitioner through video conference and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioner submits that, pursuant to the order dated 17.04.2026, notice was served on respondent No.2, but the same was returned with the postal endorsement "no such person." In respect of the notice sent to the learned counsel appearing for respondent No.2 in M.C. No. 42 of 2020, the notice

was duly served, and proof of service has been filed vide USR No.54776 of 2025.

4. Despite service of notice, respondent No. 2 has not chosen to enter appearance.

5. Learned counsel for the petitioner submits that respondent No.2 filed M.C.No.42 of 2020 against the petitioner claiming maintenance, and the same was partly allowed on 09.09.2024. Thereafter, respondent No.2 filed an application under Section 125(3) of Cr.P.C. vide M.P.No.304 of 2024, claiming maintenance amounting to Rs.4,50,000/-. In the said application, the learned trial Court issued a NBW against the petitioner on 17.11.2025. The petitioner filed an application vide M.P.No.533 of 2025 seeking recall of the NBW; however, the learned trial Court erroneously dismissed the said application on 27.02.2026. Unless the aforesaid NBW is recalled, the petitioner will be put to great hardship, as he is a retired employee suffering from health problems. He further submitted that the petitioner has already paid an amount of Rs.1,00,000/- and undertakes to pay the remaining amount, as per the entitlement of respondent No. 2, within a period of four weeks.

6. Having considered the submissions made by the learned counsel for the petitioner and upon perusal of the record, it reveals

that respondent No.2 filed an application invoking the provisions of Section 125 of Cr.P.C. on 19.06.2024 for realization of the due maintenance amount of Rs. 4,50,000/- for the period from 09.09.2020 to 09.05.2024. In the said application, the learned trial Court issued a NBW against the petitioner on 17.11.2025. The petitioner filed an application vide M.P.No.533 of 2025 seeking recall of the NBW. Along with the said petition, the petitioner also filed a medical certificate. However, the learned trial Court dismissed the said application on 27.02.2026.

7. During the course of hearing, learned counsel for the petitioner submits that the petitioner is ready and willing to pay the balance amount pursuant to the order dated 09.09.2024 to the respondent No.2 within a period of four weeks from today.

8. Taking into consideration the peculiar facts and circumstances of the case, the impugned order dated 27.02.2026 is set aside, and the NBW issued against the petitioner on 17.11.2025 is recalled, subject to the following conditions:

- i) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the satisfaction of the learned Principal Family Court, Secunderabad in M.P.No.304 of 2024 in M.C.No.42 of 2020.

ii) The petitioner shall file an undertaking that he will appear before the trial Court whenever his presence is required and shall also be represented through counsel on each and every date of hearing.

iii) The petitioner shall file an undertaking before the trial Court that he will pay the balance amount to respondent No. 2, pursuant to the order dated 09.09.2024, within a period of four weeks from today.

9. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judge, Principal Family Court, Secunderabad
2. One CC to SRI. A L RAJU, Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

ADK/KA

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HIGH COURT

DATED: 04/05/2026

ORDER

CRLP.No.5812 of 2026



DISPOSING OF THE CRLP

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