

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

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

**PRESENT
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

CRIMINAL PETITION NO: 7384 OF 2026

Between:

Shree Samarth Kamadhenu Gowshala, Opp. GHMC Colony, Shiva Bagh, Jiyaguda, Puranapul, Hyderabad - 500 006, Rep by Its Sevak Sri Purushotham Guptha, S/O Rampathlal Gupta, Age 60 Years, Occ. Gow Sevak, R/O. H. NO. 21-1-214, Near High Court Hyderabad.

...PETITIONER/3rd PARTY

AND

1. The State of Telangana, Through S.H.O. P.S Golkonda, Hyderabad, Rep.by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Saber Khan, S/o. Late Asad Khan, Age .44 years, Occ. Business, R/o. H.No. 9-10-313, Risala Bazar, Golconda, Hyderabad.

...RESPONDENTS

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records the impugned orders in CRL.M.P.NO. 415 OF 2026 IN FIR NO. 80 OF 2026 dated. 24-04-2026 quash the proceedings on the file of the XVII Additional Chief Judicial Magistrate Hyderabad.

I.A. NO: 2 OF 2026

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to suspend the impugned orders in CRLMP. NO. 415 OF 2026 IN FIR NO. 80 OF 2026 dated. 24-04-2026 on the file of the XVII Additional Chief Judicial Magistrate Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G.L.Narasimha Rao, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri Syed Hameed, Advocate 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.7384 of 2026

Date: 05.05.2026

Between:

Shree Samarath Kamadhenu Gowshala,
Opp. GHMC Colony, Shiva Bagh, Jiyaguda,
Puranapul, Hyderabad, Rep by its Sevak
Sri Purushotham Guptha

...Petitioner/3rd party

AND

The State of Telangana
Through S.H.O P.S.Golkonda,
Hyderabad, Rep. By its Public Prosecutor,
High Court for the State of Telangana,
Hyderabad and another.

...Respondents

ORDER

This Criminal Petition has been filed aggrieved by the order, dated 24.04.2026 in CrI.M.P.No.415 of 2026 in FIR No.80 of 2026, on the file of XVII Additional Chief Judicial Magistrate, Hyderabad.

2. Heard Mr. G.L.Narisimha Rao, learned counsel for the petitioner, Mr.Syed Hameed, learned counsel for respondent No.2 and Mr. Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioner submits that petitioner is a Shree Samarth Kamadhenu Gowshala. The learned trial Court

without giving an opportunity of hearing to the petitioner allowed the application in CrI.M.P.No.415 of 2026. The petitioner is an effected party and will be put to great hardship, unless the impugned order is set aside and he requests this Court to direct the learned trial Court to pass a fresh order in accordance with law.

4. Per contra, learned counsel for respondent No.2 submits that though petitioner was arrayed as a party respondent and petitioner has not diligently prosecuted the matter before the trial Court, as such the learned trial Court has rightly allowed the said application. Hence, the petitioner is not entitled to seek relief as sought in the present criminal petition.

5. Having considered submissions made by both the respective parties and after perusal of material available on record, it reveals that the learned trial Court has not given an opportunity to the petitioner before allowing the application on 24.04.2026. Therefore, this Court is of the considered view that if one opportunity is given to the petitioner to put forth-with his grievance before the trial Court in CrI.M.P.No.415 of 2026, no prejudice would be caused to respondent No.2.

6. Taking into consideration the peculiar facts and circumstances of the case, the impugned order, dated 24.04.2026 passed by the learned trial Court in CrI.M.P.No.415 of 2026 is set aside and the

learned trial Court is directed to dispose of the application Crl.M.P.No.415 of 2026, afresh after giving opportunity to the petitioner as well as respondent No.2. In view of the urgency expressed by learned counsel for the petitioner, the trial Court shall dispose of the application within a period of one week from the date of receipt of a copy of this order. It is needles to state that both the parties shall cooperate with the trial Court for disposal of the application *vide* Crl.M.P.No.415 of 2026, without seeking undue adjournments.

7. Accordingly, this criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- MOHD.ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XVII Additional Chief Judicial Magistrate, Hyderabad
2. The Station House Officer, Golconda Police Station, Hyderabad
3. One CC to Sri GL.Narasimha Rao ,Advocate (OPUC)
4. Two CCs to Public Prosecutor, High Court of Telangana (OUT)
5. Two CD Copies

Ks/GNK

Ks

HIGH COURT

DATED: 05/05/2026

ORDER

CRLP.No.7384 of 2026



Allowing the Crl.P.

8 copies
Kf
13/5/26