

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

**THURSDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 10605 OF 2025

Between:

Mohammed Nayeemuddin, S/o Late Mohammed Naseeruddin, aged 46 years,
Occ. Helper, R/o 10-5-391/54/77, Syed Nagar, Banjara Hills, Road No.12,
Hyderabad.

...Petitioners

AND

1. The State of Telangana,, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Smt. Tabassum Begum, W/o Sri Mohammed Nayeemuddin, aged 32 years, Occ. Housewife, R/o 10-2-347/B/34, Flat No.105, Asif Nagar, Hyderabad.

...Respondents

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 quash the proceedings against the Petitioner/Accused No.1 in C.C.No.219 of 2019 On the file of XV Additional Chief Metropolitan Magistrate (XIII Additional Chief Metropolitan Magistrate at Hyderabad).

I.A. NO: 1 OF 2025

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 including appearance of the petitioners in C.C.No.219 of 2019 On the file of XV Additional Chief Metropolitan Magistrate (XIII Additional Chief Metropolitan Magistrate at Hyderabad).

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K.S.S.Ayyubi, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the learned Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for the respondent no.2.

The Court made the following: ORDER

THE HON'BLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.10605 of 2025

ORDER:-

1. This Criminal Petition is filed by the petitioner/accused No.1 under Section 528 of Bharatiya Nyaya Suraksha Sanhitha, 2023 seeking to quash the proceedings against him in C.C.No.219 of 2019, on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offence punishable under Section 498-A of IPC.

2. Heard Mr.K.S.s.Ayyubi, learned counsel for the petitioner/accused No.1 and Sri Jitender Rao Veeramalla, the learned Additional Public Prosecutor representing the 1st respondent-State.

3. Learned counsel for the petitioner submitted that the *de facto* complainant has lived with the petitioner herein only for a period of 13 months and that he never harassed the *de facto* complainant and that she left his society in 2011 and lodged a complaint in 2016 with a delay of 5 years and the FIR was registered after one year of lodging the complaint. He further submitted that there is no demand for additional dowry even as per the allegations and hence, the offence under Section 498-A does not get attracted and hence prayed to quash the proceedings against him. He further submitted

that he has filed a Discharge Petition before the Trial Court which is pending adjudication.

4. The learned Additional Public Prosecutor has opposed saying that when once the Discharge Petition is pending, the petitioner cannot proceed with the quash petition in parallel and that the delay cannot be counted in such cases since 498-A is a continuous offence and he therefore prayed to dismiss the petition.

5. Perused the record. Considering the submissions of the learned counsel for the petitioner, the delay is not a point for consideration in the offences under Section 498-A IPC. The submission of the learned counsel for the petitioner itself discloses that a Discharge Petition is pending before the Trial Court. Thus, this petition cannot be entertained at this juncture and the same is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed.

7. Miscellaneous petitions pending, if any, shall stand closed.

SD/- M. JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Hon'ble XV Additional Chief Metropolitan Magistrate (XIII Additional Chief Metropolitan Magistrate at Hyderabad).
2. One CC to Sri P.S.V. Prasad, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad. [OUT]
4. Two CD Copies

HIGH COURT

DATED:21/08/2025

ORDER

CRLP.No.10605 of 2025



DISMISSING THE CRL.PETITION AS WITHDRAWN.

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