

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SEVENTH DAY OF JANUARY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

IA No. 1 OF 2024

IN

CRLP NO: 15942 OF 2024

Between:

Khaja Yousuf Uddin, S/o.Late Khaja Moin Uddin

...Petitioner/Accused No.1

(Petitioner in CRLP 15942 OF 2024

on the file of High Court)

AND

1. The State of Telangana, represented, by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.

2. Zaheer Kehkashan, D/o Ghulam Mohi Uddin, occ. household, R/o. 8-1-398/A/127, I.P.A colony, Tolichowki, Telangana, Hyderabad.

...Respondent/Defacto Complainant

(Respondents in-do-)

Counsel for the Petitioner : SRI A M RAO

Counsel for the Respondent No.1 : ADDITIONAL PUBLIC PROSECUTOR

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the petition, the High Court may be pleased to stay all further proceedings including the appearance of the petitioners/Accused No.1 in CC No.799 OF 2021, on the file of Judicial magistrate of First Class, Nakirekal, Nalgonda District, pending disposal of CRLP No. 15942 of 2024, on the file of the High Court.

The Court made the following

ORDER

This application is filed to grant stay of all further proceedings including appearance of petitioner/accused No.1 in C.C.No.799 of 2021 on the file of Judicial First Class Magistrate, Nakrekal, Nalgonda District.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

Learned counsel for the petitioner submits that Arbitration Case No.2 of 2023 was filed by the 2nd respondent against the petitioner/accused No.1 and Tribunal has passed the award in favour of the 2nd respondent. Aggrieved by same, the petitioner/accused No.1 has filed Arb O.P.No.105 of 2024, and the same was pending. He further submits that the agreement between *de facto* complainant and petitioner was executed in 2017, and the last payment was made in 2019. After a lapse of nearly two years, the complainant choose to file a complaint only in the year 2021. This unexplained and inordinate delay of approximately two years casts serious doubt on the veracity and genuineness of the allegations. He further submits that parallel proceedings of civil and criminal on the same transaction is abuse of process of law. Hence, he prayed to grant stay of all further proceedings.

On the other hand, learned Additional Public Prosecutor for the State submitted that there are specific allegations against the petitioner and prayed this Court to dismiss this petition.

Heard both sides and on a perusal of the material placed on record, it is apparent that there are civil disputes between the parties. The dispute is of 2019 and complaint was filed in the year 2021. Therefore, there is delay of two years in lodging the complaint. The reason for delay of nearly two years was not explained.

In the said circumstances, there shall be stay of all further proceedings in C.C.No.799 of 2021 on the file of Judicial First Class Magistrate, Nakrekal, Nalgonda District, including appearance of the petitioner/accused No.1 till 04.02.2025.

SD/-T.VIJAY KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Nakrekal, Nalgonda District
2. The Station House Officer, Kattangur Police Station, Nalgonda
3. Zaheer Kehkashan, D/o Ghulam Mohi Uddin, occ. household, R/o. 8-1-398/A/127, I.P.A colony, Tolichowki, Telangana, Hyderabad.(By RPAD)
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
5. One CC to SRI A M RAO Advocate [OPUC]
6. One spare copy

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HIGH COURT

JS,J

DATED:07/01/2025

ORDER

**IA NO.1 OF 2024
IN
CRLP.No.15942 of 2024**

STAY

