

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

WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 15898 OF 2025

Between:

Ram Prasad Talluri, S/o. Late Hari Babu, aged About 50 years, Occ: Business,
R/o. Flat No. 202, KKR Square Kavuri Hills, Jubilee Hills, Shaikpet, Hyderabad.

...Petitioner/Accused

AND

1. The State of Telangana,, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Smt. Basireddy Padmaja, W/o. Bhaskar Reddy Aged about 61 years, Occ: House wife, R/o. Vessella Villa No. 90, Kothaguda, Kondapur, Hyderabad

...Respondent/Defacto Complainant

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 quash the proceedings in C.C.No. 2474 of 2024 on the file of X Additional Metropolitan Magistrate, Cyberabad at Kukatpally, in the interest of justice.

I.A. NO: 1 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 it is therefore prayed that this Court may be pleased to extend the interim orders in CrI P No 15898 of 2025.

I.A. NO: 1 OF 2025

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 In the interim, it is further prayed that this court may be pleased to stay all further proceedings including the appearance of the petitioner in C.C. No. 2474 of 2024 on the file of X Additional Metropolitan Magistrate, Cyberabad at Kukatpally, pending disposal of the above Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K P Vijay Kumar, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and Ms.P Sujatha, 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.15898 of 2025

Date: 11.02.2026

Between:

Ram Prasad Talluri

...Petitioner

AND

The State of Telangana,
Rep. by its Public Prosecutor,
High Court for the State of Telangana,
Hyderabad and another

...Respondents

ORDER

This Criminal Petition is filed by the petitioner/accused seeking to quash the proceedings in C.C.No.2474 of 2024 on the file of the learned X Additional Metropolitan Magistrate, Cyberabad at Kukatpally.

2. Heard Sri K.P.Vijay Kumar, learned counsel for the petitioner; Sri Jithar Rao Veeramalla, learned Assistant Public Prosecutor for respondent No.1 and Ms.P.Sujatha, learned counsel for respondent No.2.

3. During the course of hearing, learned counsel for the petitioner submitted that the learned Magistrate without recording satisfaction and without assigning any reasons has taken cognizance and issued summons to the petitioner and the same is contrary to the principle laid down in *Sunil Bharati Mittal v. Central Bureau of Investigation*¹.

4. The above said submissions are not opposed by the learned counsel for respondent No.2 as well as the learned Additional Public Prosecutor.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record it reveals that the learned Magistrate has taken cognizance without applying his mind and without assigning any reasons, especially taken cognizance against the accused and not against the offences through docket order dated 21.01.2025.

6. It is very much relevant to mention that in *Sunil Bharati Mittal supra* the Hon'ble Supreme Court held that the order of issuing process to accused to face criminal trial is a serious issue. Such summoning cannot be done on mere asking and the Court has

¹ (2015) 4 SCC 609

to record reasons for summoning a person. In ***GHCL Employees Stock Option Trust v. India Infoline Limited***², the Hon'ble Apex Court found fault with the order of the Magistrate in issuing summons when the Magistrate has not recorded his satisfaction about the prima facie case against the accused. In ***Chief Enforcemnet Officer v. Videocon International Limited***³, the Hon'ble Supreme Court while discussing the expression 'cognizance' held that in criminal law 'cognizance' means becoming aware of and the word used with respect to Court or a Judge initiating proceedings in respect of an offence. Taking cognizance would involve application of mind by the Magistrate to the suspected commission of an offence. The Hon'ble Supreme Court in ***Sunil Bharati Mittal's case (Supra)***, further held as follows:

"Sine Qua Non for taking cognizance of the offence is the application of mind by the Magistrate and his satisfaction that the allegations, if proved, would constitute an offence. It is, therefore, imperative that on a complaint or on a police report, the Magistrate is bound to consider the question as to whether the same discloses commission of an offence and is required to form such an opinion in this respect. When he does so and decides to issue process, he shall be said to have taken cognizance. At the stage of taking cognizance, the only consideration before the Court remains to consider judiciously whether the material on which the prosecution proposes to prosecute the accused brings out a prima facie case or not."

² (2013) 4 SCC 505

³ (2008) 2 SCC 492

7. In *Fakhruddin Ahmad v. State of Uttaranchal and another*⁴, it is held as follows:

“Nevertheless, it is well settled that before a Magistrate can be said to have taken cognizance of an offence, it is imperative that he must have taken notice of the accusations and applied his mind to the allegations made in the complaint or in the police report or the information received from a source other than a police report, as the case may be, and the material filed therewith. It needs little emphasis that it is only when the Magistrate applies his mind and is satisfied that the allegations, if proved, would constitute an offence and decides to initiate proceedings against the alleged offender, that it can be positively stated that he has taken cognizance of the offence. Cognizance is in regard to the offence and not the offender.”

8. In view of the observations and directions of the Hon'ble Supreme Court in the judgments referred to *supra*, the act of issuing process of summoning the accused to face criminal trial is a serious issue and such orders directing summons to a person to face criminal trial cannot be on the basis of cryptic orders and it should be an order reflecting application of mind by the Presiding Officer while taking cognizance and issuing process.

9. For the foregoing reasons as well as the principles laid down by the Hon'ble Apex Court in the judgments cited *supra*, and without going into the other grounds, this Court is of the considered view that docket order dated 21.01.2025 passed in C.C.No.2474 of 2024 on the file of the learned Additional

⁴ (2008) 17 SCC 157

Metropolitan Magistrate, Cyberabad at Kukatpally, is liable to be quashed and accordingly quashed. However, this order will not preclude the learned Magistrate from taking cognizance and passing orders afresh in accordance with law, by giving reasons.

10. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

**SD/- MOHD.ISMAIL
DEPUTY REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To

1. The X Additional Metropolitan Magistrate, Cyberabad at Kukatpally
2. The Station House Officer, Police Station Madhapur, Cyberabad District.
3. One CC to SRI K P VIJAY KUMAR Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

Ba/PSL

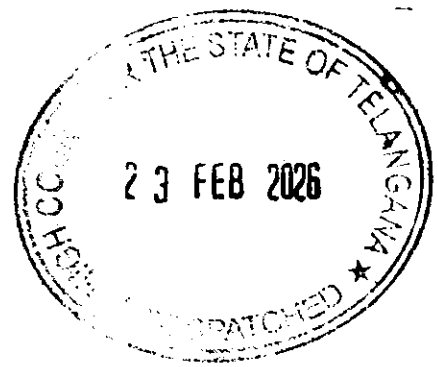


HIGH COURT

DATED: 11/02/2026

ORDER

CRLP.No.15898 of 2025



DISPOSING OF THE CRIMINAL PETITION

⑧
Yps
23/2/26