

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF MARCH  
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 4181 OF 2026

Between:

S Srihari, S/o Narayana, Aged 42 Years, Occ Real Estate Business, R/o Sri Shiva Sai Heights, H.No. 3-13-285, Rajiv Gandhi Nagar Bus Stop, Opp. Rock Town Reliance Petrol Bunk, L.B.Nagar, Uppal Road, Medchal-Malkajgiri District.

...Petitioner/Accused No.2

AND

1. T.Jagadeesh, S/o Chekrapani, Aged 75 years, Occ: Ex-Service Man, R/o H.No.1-5-561/2, Jonnabanda, Old Alwal, Medchal-Malkajgiri District - 500010.

...Respondent No.1/Defacto-Complainant

2. State of Telangana, Rep., by Public Prosecutor, High Court for the State of Telangana at Hyderabad.

...Respondent No.2

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 call for the records and quash the Docket Order, dated 27-09-2021 taking cognizance for the offences under sections 420, 506 IPC against the Petitioner/Accused No.2, passed by the III Additional Junior Civil Judge-Cum-X Additional Judicial Magistrate of First Class at Medchal, Medchal-Malkajgiri District, under C.C.No.1871 of 2021.

I.A. NO: 2 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 grant stay of all further proceedings against the Petitioner/Accused No 2 in C.C.No.1871 of 2021 on the file of III Additional Junior Civil Judge-Cum-X Additional Judicial Magistrate of First Class at Medchal, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Papaiah Peddakula, learned counsel representing Sri M.A. Raheem, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.2 and none appeared for the Respondent No. 1.

**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.4181 of 2026**

**Date: 24.03.2026**

Between:

S. Srihari

...petitioner/accused No.2

AND

T. Jagadeesh, S/o. Chekrapani, Aged 75 years,  
Occ: Ex-Service Man, R/o. H.No.1-5-561/2, Jonnabanda,  
Old Alwal, Medchal-Malkajgiri District-500010 and another

...respondents

**ORDER**

This Criminal Petition is filed by the petitioner/accused No.2 seeking to quash the proceedings in C.C.No.1871 of 2021 pending on the file of the III Additional Junior Civil Judge-cum-X Additional Judicial Magistrate of First Class at Medchal, Medchal-Malkajgiri District, for the offences punishable under Sections 420 and 506 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard Mr. Papaiah Peddakula, learned counsel representing Mr. M.A. Raheem, learned counsel for the petitioner and Sri Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.2.

3. With the consent of both the learned counsel, the criminal petition is disposed of at the admission stage on the ground that even according to the learned counsel for the petitioner, the matter before the learned Trial Court has not ripened for the trial yet. In view of the same, notice in respect of respondent No.1/*defacto* complainant is dispensed with.

4. Learned counsel for the petitioner vehemently contended that learned Magistrate had taken cognizance against the petitioner and issued summons mechanically even without application of mind and passed cryptic docket order dated 27.09.2021. He further submitted that the learned Magistrate ought to have taken cognizance against the offence only but not against accused. Therefore, the docket order dated 27.09.2021 passed by the learned Magistrate is liable to be quashed.

5. The above said submissions are not opposed by the learned Additional Public Prosecutor.

6. 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 27.09.2021.

7. 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 to record reasons for summoning a person. In *GHCL Employees Stock Option Trust v. India Infoline Limited*<sup>1</sup>, 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*

---

<sup>1</sup> (2013) 4 SCC 505

*Enforcement Officer v. Videocon International Limited*<sup>2</sup>, 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."*

8. In *Fakhruddin Ahmad v. State of Uttaranchal and another*<sup>3</sup>, 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*

<sup>2</sup> (2008) 2 SCC 492

<sup>3</sup> (2008) 17 SCC 157

*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."*

9. 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.

10. 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 27.09.2021 passed in C.C.No.1871 of 2021 pending on the file of the III Additional Junior Civil Judge-cum-X Additional Judicial Magistrate of First Class at Medchal, Medchal-Malkajgiri District, 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.

11. Accordingly, the criminal petition is disposed of

Pending miscellaneous applications, if any shall stand closed.

SD/- M. JAWAHAR REDDY  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Junior Civil Judge-Cum-X Additional Judicial Magistrate of First Class at Medchal, Medchal-Malkajgiri District.
2. The XXIII Metropolitan Magistrate At Medchal Court Cyberabad, Medchal District.
3. The Station House Officer, Alwal Police Station, Cyberabad District.
4. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
5. One CC to Sri. M.A. Raheem, Advocate [OPUC]
6. Two CD Copies

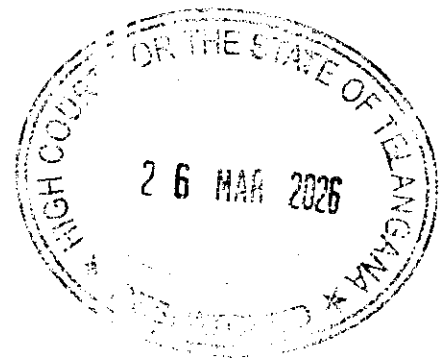
 GNK

**HIGH COURT**

**DATED: 24/03/2026**

**ORDER**

**CRLP.No.4181 of 2026**



**DISPOSING THE CRIMINAL PETITION**

9  
26/03/26  
K.B