

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

MONDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION NO: 2289 OF 2025

Between:

A. Ravinder Goud, S/o Bagaiah Goud, Age 50 years, Occ: Business R/o.
H.No. Parveda Village, Shankarpally Mandal, Ranga Reddy Dist

...Petitioner/Accused

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Sri Mohammed Sameer, S/o. Late Mohammed Azmathullah Shareef @ Anwar, Age about 31 years, Occ . Business, R/o. H.No. 1-12, Masjid Banda, Kondapurm, Serilingampally Village, Ranga Reddy.

...Respondents/Complainants

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 in C.C No 2528 OF 2024 on the file of X Additional Metropolitan Magistrate, Cyberabad at Kukatpally.

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 of all further proceedings in C.C No. 2528 OF 2024 on the file of X Additional Metropolitan Magistrate, Cyberabad at Kukatpally pending disposal of criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N. Bhujanga Rao, Advocate for the Petitioner, Mr. Jithendar Rao Veeranna, Additional Public Prosecutor on behalf of the Respondent No.1 and Sri R.Ranganathan, 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.2289 of 2025

Date: 16.03.2026

Between:

A.Ravinder Goud

...Petitioner/Accused

AND

The State of Telangana, represented by its
Public Prosecutor, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused seeking to quash the proceedings in C.C.No.2528 of 2024 on the file of the X Additional Metropolitan Magistrate, Cyberabad at Kukatpally, for the offences punishable under Sections 447, 427, 504 and 506 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard Mr.N.Bhujanga Rao, learned counsel for the petitioner, Mr.R.Ranganathan, learned counsel for respondent No.2/de-facto complainant and Mr. Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. 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 petitioners and the same is contrary to the principle laid down in **Sunil Bharati Mittal v. Central Bureau of Investigation**¹. According to him, the matter before the learned Trial Court has not yet ripened for the trial.

4. The above said submissions are not opposed by 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 recording satisfaction and without assigning any reasons, especially taken cognizance against the accused by using rubber stamp and not against the offences through cognizance order passed in C.C.No.2528 of 2024.

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 to record

¹ (2015) 4 SCC 609

reasons for summoning a person. In **GHCL Employees Stock Option Trust v. India Infoline Limited**², the Hon'ble Supreme 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 Enforcement 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 Supreme Court in the judgments cited *supra*, and without going into the other grounds, this Court is of the considered view that cognizance order passed in C.C.No.2528 of 2024 pending on the file of the X Additional Metropolitan Magistrate, Cyberabad at Kukatpally, is

⁴ (2008) 17 SCC 157

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/- AHMED ABDULLAH KHAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The X Additional Metropolitan Magistrate, Cyberabad at Kukataply.
2. The Station House Officer, Gachibowli Police Station, Cyberabad Commissionerate.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri N. Bhujanga Rao, Advocate [OPUC]
5. One CC to Sri R.Ranganathan, Advocate [OPUC]
6. Two CD Copies

DL/ba

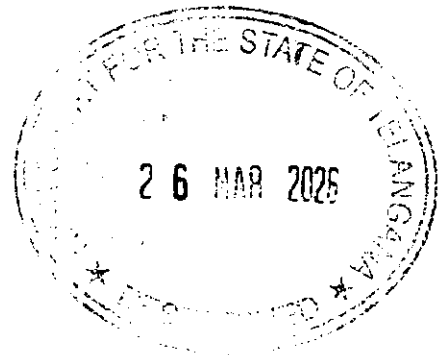
Jks

HIGH COURT

DATED: 16/03/2026

ORDER

CRLP.No.2289 of 2025



CRIMINAL PETITION IS DISPOSED OF

⑨ -- JKS
26/03/26.