

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

**TUESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 10464 OF 2026

Between:

1. Syed Hameed Ali, S/o Late Syed Yousuf Ali, Aged about 38 years, Occ. Private Job, R/o H.No. 17-3-182/a/1, Imambada, Yakutpura, Rein Bazar, Hyderabad.
2. Syed Habeeb Ali, S/o Late Syed Yousuf Ali, Aged about 36 years, Occ. Private Job, R/o H.No. 17-3-182/a/1, Imambada, Yakutpura, Rein Bazar, Hyderabad.

...Petitioners/Accused No.1 & 2

AND

1. The State of Telangana, Rep. by its public prosecutor, High Court, Hyderabad.
2. Syed Ahmed Ali, S/o Late Syed Yousuf Ali, Aged about 45 years, Occ. Business, R/o H.No. 17-3-182/a/1, Imambada, Yakutpura, Rein Bazar, Hyderabad.

...Respondents/Defacto 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 charge sheet in C.C.No. 1860 of 2024 on the file of the VII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad, and consequential order of taking cognizance as against the petitioners/ Accused No. 1 to 2.

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 stay all further proceedings including appearance of the petitioners/ Accused No.1 & 2 in C.C.No.1860 of 2024 on the file of the VII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad, pending disposal of the main CrI.P.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri S.M.Saifullah, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, 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

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

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.10464 of 2026

Date: 07.07.2026

Between:

Syed Hameed Ali and another

..Petitioners

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in C.C.No.1860 of 2024 on the file of the VII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.

2. Heard Mr.S.M.Saifullah, learned counsel for the petitioners and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

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 petitioners, the matter before the learned trial Court has not yet ripened for the trial. In view of the same, notice in respect of respondent No.2/*defacto* complainant is dispensed with.

4. During the course of hearing, learned counsel for the petitioners, submitted that the learned Magistrate, without recording satisfaction, has taken cognizance against the petitioners on 26.02.2024 and issued summons mechanically and passed cryptic docket order. Therefore, the docket order dated 26.02.2024 passed by the learned Magistrate is liable to be quashed.

5. Learned Additional Public Prosecutor has not opposed the submissions made by the learned counsel for the petitioners.

6. Having considered the submissions made by the respective parties and upon perusal of the material available on record, it reveals that the learned Magistrate has taken cognizance, without recording satisfaction against the accused and not against the offences, through docket order dated 26.02.2024.

7. It is very much relevant to mention that in ***Sunil Bharati Mittal v. Central Bureau of Investigation***¹ 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***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,

¹ (2015) 4 SCC 609

² (2013) 4 SCC 505

³ (2008) 2 SCC 492

10. For the foregoing reasons and in view of 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 the cognizance order is liable to be quashed and accordingly quashed. The learned Magistrate is directed to take cognizance afresh and to proceed with the matter, in accordance with law.

11. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- B.REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.
2. The Station House Officer, Madannapet Police Station, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri S.M.Saifullah, Advocate [OPUC]
5. Two CD Copies

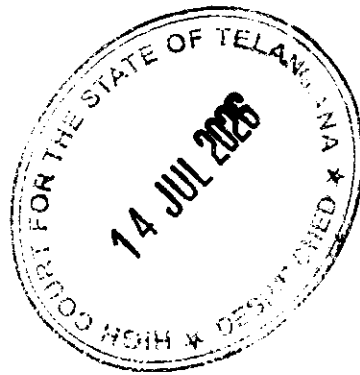
 **GNK/KA**

HIGH COURT

DATED: 07/07/2026

ORDER

CRLP.No.10464 of 2026



DISPOSING THE CRIMINAL PETITION

⑧ MT
14/7/26