

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 3887 OF 2026

Between:

1. Mahesh Mavurapu, s/o. Late Mavurapu Narasimha Murthy, Age: 35 years, Occ: Unemployed R/o. H.No.2-7-503, Excise Colony, Hanmakonda, Warangal District, Telangana - 506001
2. Smt. Kamaladevi Mavurapu, w/o. Late Mavurapu Narasimha Murthy, Age: 65 years, Occ: Household R/o. H.No.2-7-503, Excise Colony, Hanmakonda, Warangal District, Telangana - 506001
3. Madhavi Dasaroju, w/o. Dasaroju Rama Mohan, Age: 36 years, Occ: Household, R/o. Flat No. 209, Sri Sai Anandamai Apts, Block-C, Chennareddy Enclave, Peerzadiguda, Medchal-Malkajgiri, Telangana - 500039
4. Malathi Mavurapu, d/o. Late Mavurapu Narasimha Murthy, Age: 35 years, Occ: Private Teacher, R/o. Flat No. 209, Sri Sai Anandarnayi Apts, Peerzadiguda, BS Maqtam Medchal-Malkajgiri District, Telangana - 500039

...Petitioners/Accused

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court for the State of Telangana, at Hyderabad. Through P.S. Narsingi, Cyberabad.

...Respondent/Respondent

2. Smt. Bhavani Mavurapu @ Bhairoju Bhavani, w/o. Mahesh Mavurapu, Age: 25 years, Occ: Household, R/o. H.No.1-50/4, Near Ramalayam Temple, Gundepudi Village, Maripeda Mandal, Mahbubabad District, Telangana - 506315

...Defacto Complainant/Respondent

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 in C.C. No. 724 of 2025 on the file of the Court of Hon'ble Junior Civil Judge, Thorur, Mahbubabad District, arising out of FIR No. 210 of 2025 dated 13.09.2025 registered by the Station House Officer, Maripeda Police Station, Mahbubabad District, for the alleged offences under Section 85 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961, and to quash the charge sheet and all further proceedings therein as being an abuse of process of law and devoid of any legal basis.

I.A. NO: 1 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 in C.C.No.724 of 2025 on the file of the Court of Hon'ble Junior Civil Judge, Thorrur, Mahbubabad District, arising out of FIR No. 210 of 2025 dated 13.09.2025 registered by the Station House Officer, Maripeda Police Station, Mahbubabad District, for the alleged offences under Section 85 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961, pending disposal of the accompanying Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Smt. Gayathri, Advocate for the Petitioners and the Mr. Jithender Rao Veeramalla, 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.3887 of 2026

Date: 17.03.2026

Between:

Mahesh Mavurapu and three others

...petitioners/accused Nos.1 to 4

AND

The State of Telangana,
Rep. by Public Prosecutor,
High Court for the State of Telangana, at Hyderabad,
Through P.S., Narsingi, Cyberabad and another

...respondents

ORDER

This Criminal Petition is filed by the petitioners/accused Nos.1 to 4, seeking to quash the proceedings in C.C.No.724 of 2025 on the file of the Junior Civil Judge, Thorrur, Mahabubabad District, for the offences punishable under Sections 85 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. With the consent of the learned counsel for the petitioners and the learned Additional Public Prosecutor, the criminal petition is disposed of at the stage of admission on the ground that the learned Magistrate has taken cognizance on 29.12.2025 without recording satisfaction and without assigning any reasons. In view of the same, notice in respect of respondent No.2/*defacto* complainant is dispensed with.

3. Heard Smt. Gayathri, learned counsel for the petitioners and Mr. Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

4. Learned counsel for the petitioners submitted that the matter before the trial Court is at the stage of summons and posted to 26.05.2026. The learned Magistrate without recording satisfaction and without assigning any reasons has taken cognizance on 29.12.2025 and the same is contrary to the principle laid down in ***Sunil Bharati Mittal v. Central Bureau of Investigation***¹.

¹ (2015) 4 SCC 609

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 on 29.12.2025, without applying his mind and without assigning any reasons, especially taken cognizance against the accused and not against the offences through cognizance order, passed in C.C.No.724 of 2025.

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*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*

² (2013) 4 SCC 505

*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."

8. 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

³ (2008) 2 SCC 492

⁴ (2008) 17 SCC 157

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."

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 the docket order, passed in C.C.No.724 of 2025 on the file of the Junior Civil Judge, Thorrur, Mahabubabad 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/- A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Junior Civil Judge, Thorrur, Mahbubabad District
2. The Station House Officer, Maripeda Police Station, Mahbubabad District
3. One CC to Smt. Gayathri, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

Kam/PSL

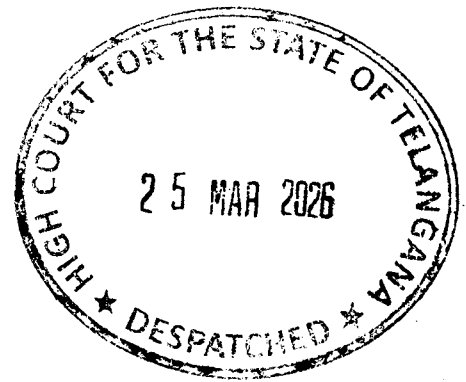


HIGH COURT

DATED: 17/03/2026

ORDER

CRLP.No.3887 of 2026



DISPOSING OF THE CRIMINAL PETITION

⑧ - JKS
25/3/26.