IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO: 4784 OF 2026

Between:

Ms. B. Lahari, Aged 29 years Occ: Business, R/o 52, 53 The Lilly's House, Amrutha Avenue, Kismathpur Road, Bandlaguda Jagir, Rajendranagar, Gandipet Mandal, Ranga Reddy Dist.

...Petitioner/Accused No.2

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad. **...Respondent No.1**
2. Sri Allam Jashuva Reddy, S/o Pratap Reddy, age 34, Occ: business, R/o Plot No.85, ST.Michei Colony, Bandlaguda Jahir, Rajendranagar **...Respondent No.2/Informant**
3. Station House Officer, PS Gachibowli. **...Respondent No.3**
4. Sub-Inspector of Police, PS Gachibowli **...Respondent No.4/Complainant**

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 and the consequential prosecution proceedings against the Petitioner/Accused No.2 in C.C.No.1137 of 2024, on the file of the X Addl. Metropolitan Magistrate, Kukatpally, Cyberabad, Hyderabad.

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 the further proceedings in C.C.No.1137 of 2024, on the file of the X Addl. Metropolitan Magistrate, Kukatpally, Cyberabad, Hyderabad, pending disposal of the present Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mrs. K. Sandhya Reddy, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.4784 of 2026

Date: 21.04.2026

Between:

Ms.B.Lahari

...Petitioner

AND

The State of Telangana and three others.

...Respondents

Order:

This Criminal Petition has been filed seeking to quash the proceedings in C.C. No.1137 of 2024, on the file of the X Additional Metropolitan Magistrate, Kukatpally, Cyberabad, Hyderabad, wherein the petitioner was arrayed as accused No.2, for the offences punishable under Sections 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances, 1985.

2. Heard Mrs.K.Sandhya Reddy, learned counsel for the petitioner and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor appearing on behalf of respondent No.1. With their consent, 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 trial Court is not yet ripened for trial.

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 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 by using rubber stamp without recording satisfaction and without assigning any reasons, especially taken cognizance against the accused and not against the offences through cognizance order passed in C.C. No.1137 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

[1] (2015) 4 SCC 609

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, 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 cognizance order passed in C.C. No.1137 of 2024, on the file of the X Additional Metropolitan Magistrate, Kukatpally, Cyberabad,

[4] (2008) 17 SCC 157

Hyderabad, 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/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

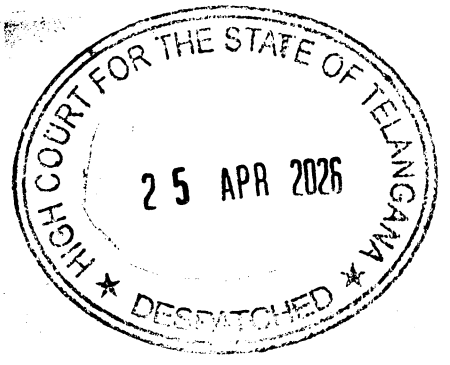
To,

1. The X Addl. Metropolitan Magistrate, Kukatpally, Cyberabad, Hyderabad.
2. The Station House Officer, Police Station Gachibowli, Hyderabad.
3. One CC to Mrs. K. Sandhya Reddy, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

KAM/KA

HIGH COURT

DATED: 21/04/2026



ORDER

CRLP.No.4784 of 2026

DISPOSING OF THE CRIMINAL PETITION

8 copies
Ks
25/4/26