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 HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6098 OF 2026

BETWEEN:

Syed Moinuddin Ghori, S/o Syed Jarnaluddin Ghori, Age about. 38 years Occ. Business, R/o. 2-4-72/4, Fort view colony, Pillar no 191, upperpally, Rajendranagar, Rangareddy, Telangana- 500048

...Petitioner/Accused-2

AND

1. The State of Telangana Rep by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Abdul Hadi, S/o Abdul Bari, aged about 43 years, Occupation. Business, Resident of H.No.5-4-38, Bhavani Colony, Rajendranagar Mandal, Ranga Reddy District.

...Respondents/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 call for the records relating to C.C. No. 2519 of 2025 pending before the XI Additional Judicial Magistrate of First Class, Cyberabad, at Upperpally, Rajendranagar, quash the same, in so far as it relates to the Petitioner, who is arrayed as Accused No. 2.

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. 2519 of 2025 pending before the XI Additional Judicial Magistrate of First Class, Cyberabad at Upperpally, Rajendranagar pending disposal of the present quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohammed Iqbal Ali Khan, Advocate for the Petitioner 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.6098 of 2026

Date: 21.04.2026

Between:

Syed Moinuddin Ghori

...petitioner/accused No.2

AND

The State of Telangana and another

...respondents

ORDER

This Criminal Petition is filed by the petitioner/accused No.2 seeking to quash the proceedings in C.C.No.2519 of 2025, pending on the file of the XI Additional Judicial Magistrate of First Class, Cyberabad, at Upperpally, Rajendranagar, for the offences punishable under Sections 329(3), 324(4), and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. Mohammed Iqbal Ali Khan, learned counsel for the petitioner and Mr. Jithender 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 petitioner, the matter before the learned Trial Court has not riped for the trial yet. 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 petitioner submitted that accused No.1 had approached this Court and filed Crl.P.No.5714 of 2026, seeking to quash the very same proceedings i.e., in C.C.No.2519 of 2025, pending on the file of the XI Additional Judicial Magistrate of First Class, Cyberabad, at Upperpally, Rajendranagar and this Court, on 16.04.2026, disposed of the above said criminal petition by setting aside the cognizance order dated 03.07.2025, passed by the learned Magistrate. Therefore, the petitioner/accused No.2 is also entitled to the very same relief.

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

6. Taking into consideration the submissions made by the respective parties and the order passed in Crl.P.No.5714 of 2026, dated 16.04.2026, this Court is of the considered view that docket order dated 03.07.2025 passed by the learned XI Additional Judicial Magistrate of First Class, Cyberabad, at Upperpally, Rajendranagar in C.C.No.2519 of 2025 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.

7. 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 XI Additional Judicial Magistrate of First Class, Cyberabad, at Upperpally, Rajendranagar.
2. The XI Additional Metropolitan Magistrate Cyberabad At Rajendranagar.
3. The Station House Officer, Rajendranagar Police Station, Cyberabad.
4. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
5. One CC to Sri Mohammed Iqbal Ali Khan, Advocate [OPUC]
6. Two CD Copies

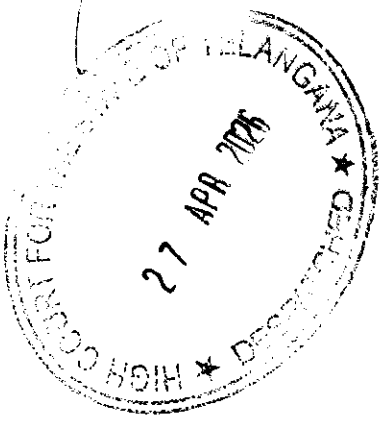
GNK/VH

PV

HIGH COURT

CC Today

DATED: 21/04/2026



ORDER

CRLP.No.6098 of 2026

DISPOSING THE CRIMINAL PETITION

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IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.5714 of 2026

Date: 16.04.2026

Between:

Syed Vaseemuddin

...petitioner/accused No.1

AND

The State of Telangana
Rep. by its Public Prosecutor,
High Court for the State of Telangana and another

...respondents

ORDER

This Criminal Petition is filed by the petitioner/accused No.1 seeking to quash the proceedings in C.C.No.2519 of 20225 pending on the file of the XI Additional Judicial Magistrate of First Class, Cyberabad, at Upperpally, Rajendranagar, for the offences punishable under Sections 329(3), 324(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr. D.Sudharshan, learned counsel for the petitioner 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 riped for the trial and is at summons. In view of the same, notice in respect of respondent No.2/*defacto* complainant is dispensed with.

4. Upon perusal of the record, it reveals that the learned Magistrate, without recording satisfaction and without assigning any reasons, has taken cognizance against the petitioners on 03.07.2025 and issued summons mechanically and passed cryptic docket order. Therefore, the docket order dated 03.07.2025 passed by the learned Magistrate is liable to be quashed.

5. Learned Assistant Public Prosecutor has not opposed the submissions made by the learned counsel for the petitioner.

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 recording satisfaction and without assigning

any reasons against the accused and not against the offences, through docket order dated 03.07.2025.

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

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[1] (2015) 4 SCC 609
[2] (2013) 4 SCC 505
[3] (2008) 2 SCC 492

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 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

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[4] (2008) 17 SCC 157

it should be an order reflecting application of mind by the Presiding Officer while taking cognizance and issuing process.

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 docket order dated 03.07.2025 passed by the learned XI Additional Judicial Magistrate of First Class, Cyberabad, at Upperpally, Rajendranagar in C.C.No.2519 of 2025 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.

JUSTICE J. SREENIVAS RAO

16.04.2026
Note: Issue C.C. in one week
b/o.
rsp