

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

**THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6264 OF 2026

Between:

1. Korra Radhakrishna Yadav, (Wrongly typed as Korra Radhakrishna in FIR and CC) S/o K.Yadaiah, Aged 44 years, Occ.Agriculture, R/o H.No.5-63/1, Jafferguda Village, Abdullapurmet Mandal, R.R. District.
2. Varda Narsimha, S/o Sataiah, Aged 48 years, Occ.Agriculture, R/o H.No.5-43, Jafferguda Village, Abdullapurmet Mandal, R.R. District.
3. Korra Kumar Yadav, (wrongly typed as Korra Kumar in FIR and CC) S/o K.Yadaiah, Aged 42 years, Occ.Agriculture, R/o H.No.5-63/1, Jafferguda Village, Abdullapurmet Mandal, R.R. District

...PETITIONER/ACCUSED NO. 1 TO 3

AND

1. The State of Telangana,, Rep. by its Public Prosecutor, High Court building at Hyderabad Through PS Abdullapurmet, Hyderabad.
2. Md.Jahangheer, S/o Late Md.Jafer, Aged about 53 years, Occ.Business, R/o Plot No.223, Devendar Nagar Colony, Bachupally, Ranga Reddy District, Telangana State-500090. Mobile No.9346993589.

...RESPONDENT/DEFACTO-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 Proceedings in CC.No.1121 OF 2020 on the file of Principal Junior Civil Judge-cum-XIV Addl. Judicial Magistrate of First Class, Ranga Reddy District at Hayathnagar against the petitioner/Accused-1 to 3 in the interest of justice

I.A. NO: 1 OF 2026

Petition under Section 482 of Cr.P.C 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 CC.No.1121 OF 2020 on the file of Principal Junior Civil Judge-cum-XIV Addl. Judicial Magistrate of First Class, Ranga Reddy District at Hayathnagar including personal appearance of the petitioner/Accused-1 to 3, during the pendency of the present Quash Petition, Pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C KUMAR , Advocate for the Petitioner and the Mr V.Jithender Rao Public Prosecutor on behalf of the Respondent No1. and none appear for the Respondent No2.

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.6264 of 2026

Date: 23.04.2026

Between:

Korra Radhakrishna Yadav and two others

...Petitioners

AND

State of Telangana and another

...Respondents

ORDER

This Criminal Petition is filed by the petitioners/accused Nos.1 to 3, seeking to quash the proceedings in C.C.No.1121 of 2020, on the file of the learned Principal Junior Civil judge-cum-XIV Additional Judicial Magistrate of First Class, Ranga Reddy District at Hayathnagar.

2. Heard Mr.C.Kumar, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing 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 ripened for the trial yet. In view of the same, notice in respect of respondent No.2 is dispensed with.

4. Learned counsel for the petitioners submits that the learned Magistrate, without recording satisfaction and without assigning any reasons, has taken cognizance against the petitioners and issued summons mechanically and passed cryptic docket order. Therefore, the docket order 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 petitioners.

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.

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 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:

¹ (2015) 4 SCC 609

² (2013) 4 SCC 505

³ (2008) 2 SCC 492

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

⁴ (2008) 17 SCC 157

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. 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.

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SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR



SECTION OFFICER

To,

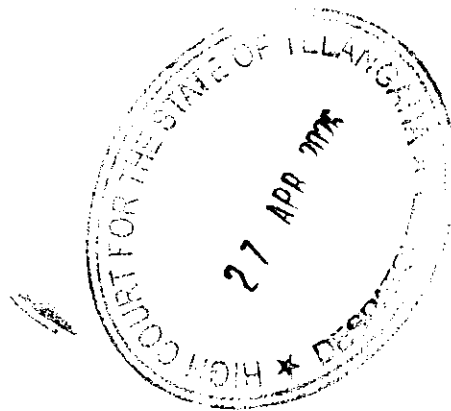
1. The Principal Junior Civil Judge-cum-XIV Addl. Judicial Magistrate of First Class, Ranga Reddy District at Hayathnagar
2. The Station House Officer Police Station Abdullahpurmet, Rachakonda
3. The Court of XXIV Additional Metropolitan Magistrate Rachakonda at Hayat Nagar.
4. One CC to SRI. C KUMAR Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

AG/TKS



HIGH COURT

DATED: 23/04/2026



ORDER

CRLP.No.6264 of 2026

DISPOSING OF THE CRLP

⑨
27/04/26
V.S