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

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

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 6490 OF 2026**

**Between:**

1. Anugu Ramakrishna Reddy, S/o Kondal Reddy, Age. 54 years, Occupation. Civil Contractor, GHMC, R/o Hyderabad, Cell No. 9849390819.
2. Dhadi Datham Reddy, S/o Sura Reddy, Age. 55 years, Occupation. Civil Contractor, GHMC, R/o H.No. 1-2-104, Sahasra Streets, Mansoorabad, Hyderabad, Cell No. 9441927942.

**...Petitioners No. 1 & 2/Accused Nos. 1 & 2**

**AND**

1. The State of Telangana, through its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Gutha Prabhakar Reddy, S/o. Pitchi Reddy, age-45 years, R/o. H.No. 6-3-352 vanasthalipuram, Hayathnagar Mandal, RR Dist.

**...Respondent No. 2/De-facto 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 Cognizance Order dated 13-10-2025 in C.C. No. 2639 of 2025, presently pending on the file of the Special Judicial Magistrate of First Class (Excise), Ranga Reddy District cum - V Additional Judicial Magistrate of First Class - cum - V Additional Junior Civil Judge, Ranga Reddy District at L.B. Nagar, arising out of Crime No. 668 of 2023 of Saroornagar Police Station, insofar as Petitioners No. 1 and 2 / Accused Nos. 1 and 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 in C.C. No. 2639 of 2025, presently pending on the file of the Special Judicial Magistrate of First Class (Excise), Ranga Reddy District -cum - V Additional Judicial Magistrate of First Class - cum - V Additional Junior Civil Judge, Ranga Reddy District at L.B. Nagar, arising out of Crime No. 668 of 2023 of Saroornagar Police Station.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Pulimamidi Rohith Reddy, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri_Advocate for the Respondent No.

**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.6490 of 2026**

**Date: 28.04.2026**

Between:

Anugu Ramakrishna Reddy and another

...Petitioners

AND

State of Telangana and another

...Respondents

**ORDER**

This Criminal Petition is filed by the petitioners/accused Nos.1 and 2, seeking to quash the proceedings in C.C.No.2639 of 2025, on the file of the learned Special Judicial Magistrate of First Class (Excise), Ranga Reddy District-cum-V Additional Judicial Magistrate of First Class-cum-V Additional Junior Civil Judge, Ranga Reddy District at L.B.Nagar.

2. Heard Mr.Pulimamidi Rohith Reddy, 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 the 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 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

[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 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.

**SD/- K.BHAVANI SWAMY**
**ASSISTANT REGISTRAR**

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**SECTION OFFICER**

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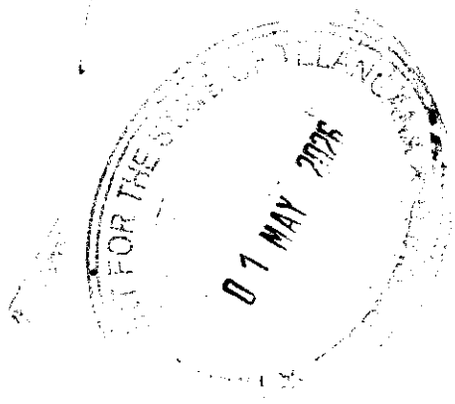
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KA

CC-TODAY

HIGH COURT

DATED: 28/04/2026




ORDER

CRLP.No.6490 of 2026

PARTLY ALLOWING THE APPEAL/DISMISSING/DISPOSING/CLOSING

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PVC

01/07/2026