IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY SEVENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17641 OF 2026

Between:

1. Mudhi Shiva Reddy, S/o Krishnareddy, Aged19 years Occ: Student, Caste: Reddy, R/o SC Colony, Kodada, Suyapeta District Telangana.
2. Pagilla Naresh, S/o Kashaiah, aged 28 years, Caste Reddy, Occ: : Salesman in Coco cola R/o YSR Colony, Khammam Telangana.
3. Gangaboina Ravi, S/o Yaladri Aged42 years caste: Mudiraj Occ: : Tractor Driver R/o Prakash Nagar Khammam
4. Yarra Nagaraju Reddy, S/o Bakkaiah Aged 28 years caste: Reddy Occ: : Driver R/o H.No.12-3-158/146 Danavaigudem, Khammam Telangana.
5. Marri Srinivas, S/o Pullaiah, Aged 52 years caste: Yadav Occ: Business R/o Srinagar Colony, Khammam, Telangana.
6. Alasyam Sudhakar, S/o Thirupaiah, Aged 53 years caste Kamma Occ: Business R/o H.No.5-5-134/3/1/B, Musthafanagar, Khammam, Telangana.
7. Sarikonda Ramaraju, S/o Subbaraju aged 56 yrs Caste: Bhataraju Occ: Gumasta in Clothshop R/o Pandurangapuram Khammam, Telangana.
8. Ganaparapu Murali, S/o Nageswerarao aged28 Years, Caste Mudiraj Occ: : Farmer R/o Ravinuthala village, Bonakal mandal of Khammam Telangana.
9. Kancharla Sai, S/o.Yadagiri, Caste Goud Occ: : student, R/o H.No.1-901, Indiramma Colony Phase-II, Venkatagiri X Road Khammam Rural, Telangana.
10. Kakati Venkateswarulu@ Venky, S/o.Daveed,aged 22 years, Caste Madiga, Occ: student, R/o H.No.2-33/1, Nacharam Colony, Eknoor Mandal, Khammam, Telangana.

...Petitioners/Accused Nos. 1 to 10

AND

State of Telangana, Rep. by its Public Prosecutor High Court for the State of Telangana Hyderabad.

...Respondent/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 against the Petitioners/Accused Nos.1 to 10 in C.C.No.1790 of 2026 on the file of the I Additional Junior Civil Judge cum Judicial First Class Magistrate at Khammam, for offences punishable under sections 189(2), 292, 192, 352 read with section 190 of BNSS and Section 21/76 of City Police Act.

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, including the personal appearance of the Petitioners/Accused Nos.1 to 10, in C.C.No.1790 of 2026 arising out of Crime No.686 of 2025, pending on the file of the I Additional Junior Civil Judge cum Judicial First Class Magistrate at Khammam.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Shreyas Reddy Yalagiri, Advocate for the Petitioner and the Sri V. Jithender Rao, Additional Public Prosecutor on behalf of the Respondent.

The Court made the following:

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.17641 of 2026

CNR No: HBHC010736042026

Date: 27.10.2026

Between:

Mudhi Shiva Reddy and 9 others

..Petitioners

AND

State of Telangana

...Respondent

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 10 seeking to quash the proceedings in C.C.No.1790 of 2026 on the file of the learned I Additional Junior Civil Judge-cum-Judicial First Class Magistrate at Khammam.

2. Heard Mr.Y.Shreyas Reddy, learned counsel for the petitioners and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent.

3. With the consent of both the learned counsel, the criminal petition is disposed of at the admission stage.

4. During the course of hearing, learned counsel for the petitioners, submitted that the learned Magistrate, without recording satisfaction, 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 Additional Public Prosecutor has not opposed the submissions made by the learned counsel for the petitioners.

6. Having considered the 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 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***

[1] (2015) 4 SCC 609

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

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.

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

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[4] (2008) 17 SCC 157

quashed. The learned Magistrate is directed to take cognizance afresh and to proceed with the matter, in accordance with law.

11. 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 I Additional Judicial First X Class Magistrate at Khammam.
2. The I Additional Junior Civil Judge Cum Judicial First Class Magistrate at Khammam.
3. The Station House Officer, Khammam II Town Police Station, Khammam.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
5. One CC to Sri Shreyas Reddy Yalagiri, Advocate [OPUC]
6. Two CD Copies

DL/GNK

R.R

HIGH COURT

DATED: 27/10/2026



ORDER

CRLP.No.17641 of 2026

DISPOSING OF THE CRIMINAL PETITION

9 copes

31/10/26

R.R