

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

FRIDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6373 OF 2026

Between:

Gadda Mary, W/o M.Ramakrishna, aged 44 years Occ. Housewife R/o flat No.308, sudhakar lake view apartments New Balajinagar, Meerpet, Ranga Reddy district.
...PETITIONER/ACCUSED/1

AND

1. The State of Telangana through the Police station Sarromnagar, Ranga Reddy through the Public Prosecutor High Court buildings, Hyderabad.
2. Garimella Aruna, D/o Garimilla Raji Reddy, aged 45 years Occ. DGM.of SR.Degi school R/o flat No.401, VeeraBhadra Residency, Kamalanagar,pirzadiguda,Medipally Medchal Malkajgiri ...RESPONDENTS

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 CC.No.119 of 2026 on the file of the Court of the Vth Metropolitan Magistrate at Ranga Reddy district.

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 of CC.No.119 of 2026 on the file of the Court of the Vth Metropolitan Magistrate at Ranga Reddy district including the appearance of the petitioner.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri J C Francis, Advocate for the Petitioner and the Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No. 1 and None Appeared for 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.6373 of 2026

Date: 24.04.2026

Between:

Gadda Mary

...petitioner/accused No.1

AND

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.119 of 2026 pending on the file of the V Metropolitan Magistrate at Ranga Reddy District, for the offences punishable under Sections 318(4), and 316(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr. J. C. Francis, learned counsel for the petitioner and Sri 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 Trial Court is at the stage of summons. 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 the learned Magistrate without recording satisfaction and without assigning any reasons has taken cognizance on 22.01.2026 and issued summons to the accused and the same is contrary to the principle laid down in *Sunil Bharati Mittal v. Central Bureau of Investigation*¹.

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

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 applying his mind and without assigning any reasons, especially taken cognizance on 22.01.2026 against the accused and

¹ (2015) 4 SCC 609

not against the offences through cognizance order passed in C.C.No.119 of 2026.

7. It is very much relevant to mention that in ***Sunil Bharati Mittal supra*** 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 commission of an offence. The Hon'ble Supreme

² (2013) 4 SCC 505

³ (2008) 2 SCC 492

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 it should

⁴ (2008) 17 SCC 157

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

10. 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.119 of 2026 pending on the file of the V Metropolitan Magistrate at Ranga Reddy District, 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/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR**

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SECTION OFFICER

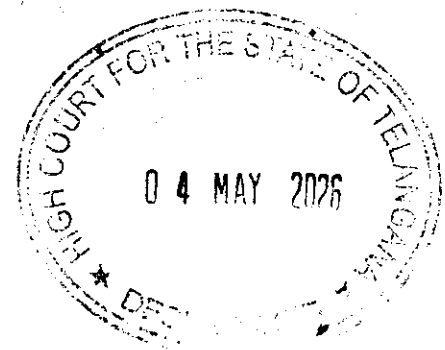
To,

1. The Special Judicial Magistrate of First Class (Excise), Rangareddy-V Additional Judicial Magistrate of First Class-Cum-V Additional Junior Civil Judge, Ranga Reddy District at L.B. Nagar.
2. The Vth Metropolitan Magistrate at Ranga Reddy District.
3. The Station House Officer, Saroornagar Police Station, Rachakonda District.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
5. One CC to Sri J C Francis, Advocate [OPUC]
6. Two CD Copies

HIGH COURT

CC-TODAY

DATED: 24/04/2026



ORDER

CRLP.No.6373 of 2026

DISPOSING OF THE CRIMINAL PETITION

9 copies
for
04/05/2026