

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17243 OF 2025

BETWEEN:

1. Dopara Venkatesh, S/o. Late Dopara Satish, aged about 30 Years, Occ: Pvt Employee, R/o. 6-127, Beside Veerabadra Kirana Store, Bala Saraswathi Nagar, Old Malkajgiri, Telangana (Husband of the Defacto Complainant).
2. Dopara Anuradha, W/o. Late Dopara Satish, aged about 52 Years, Occ: Housewife, R/o. 6-127, Beside Veerabadra Kirana Store, Bala Saraswathi Nagar, Old Malkajgiri, Telangana (Mother in Law of the Defacto Complainant).
3. Dopara Sai Nagaraj, S/o. Late Dopara Satish, aged about 27 Years, Occ: Employee, R/o. 6-127, Beside Veerabadra Kirana Store, Bala Saraswathi Nagar, Old Malkajgiri, Telangana. (Brother-in-Law of the Defacto Complainant).
4. Dopara Laxmi Narayana, S/o. Late Dopara Satish, aged about 32 Years, Occ: Pvt. Job, R/o. H. No. 9-166, near Progressive library, Malkajgiri, Secunderabad, Telangana- 47. (Brother-in-Law of the Defacto Complainant).
5. Dopara Geetha Bhavani, D/o. Late. Dopara Satish, W/o. Sai Kalyan, aged about 26 Years, Occ: Pvt. Job, R/o. Moosapet, Hyderabad. (Sister-in-Law of the Defacto Complainant).

...Petitioners/Accused No. 1 to 5

AND

1. The State of Telangana, through WPS. Begumpet, North Zone, Secunderabad, Rep. by its Public Prosecutor, High Court for the State of Telangana.
2. Smt. Karaka Annapurna, W/o. Dopara Venkatesh, aged about 30 Years, Occ: Pvt Employee, R/o. Flat No. 402, 4th floor, Block- A, RK Towers, Begumpet, Secunderabad.

...Respondents/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 against the Petitioners/ Accused No. 1 to 5 in C.C. No. 7873/2022 on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad City.

I.A. NO: 1 OF 2025

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 dispense of the personal appearance of the Petitioners / Accused No. 1 to 5 in C.C. No. 7873/2022 on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad city.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B. Kumar Swamy, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1 and of Ms.S. Kiranmayee, Advocate 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.17243 of 2025

Date: 16.03.2026

Between:

Dopara Venkatesh and four others

..Petitioners

AND

The State of Telangana,
Through WPS. Begumpet,
North Zone, Secunderabad,
Rep. by its Public Prosecutor,
High Court for the State of
Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 5, seeking to quash the proceedings in C.C.No.7873 of 2022 on the file of the learned XV Additional Chief Metropolitan Magistrate at Hyderabad City.

2. Heard Mr.B.Kumar Swamy, learned counsel for the petitioners, Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor

for respondent No.1 and Ms.S.Kiranmayee, learned counsel for respondent No.2.

3. Upon perusal of the record, it reveals that the learned Magistrate, without recording satisfaction, without assigning any reasons, and without applying his mind has taken cognizance against the petitioners on 25.10.2022 by using rubber stamp and issued summons. Even according to the parties, the matter before the trial Court has not yet ripened for trial and it is at the stage of examination of accused.

4. In view of the principle laid down by the Hon'ble Supreme Court in *Sunil Bharati Mittal v. Central Bureau of Investigation*¹, *GHCL Employees Stock Option Trust v. India Infoline Limited*², *Chief Enforcemnet Officer v. Videocon International Limited*³, and *Fakhruddin Ahmad v. State of Uttaranchal and another*⁴, the cognizance order passed by the learned Magistrate is contrary to the law settled principles of law and is liable to be set aside.

¹ (2015) 4 SCC 609

² (2013) 4 SCC 505

³ (2008) 2 SCC 492

⁴ (2008) 17 SCC 157

5. During the course of hearing, learned counsel for respondent No.2 relied upon the principle laid down by the Hon'ble Apex Court in *Pramila Devi and others v. The State of Jharkhand and another*⁵, wherein it was held that a cognizance order passed by the learned Magistrate cannot be set aside on the ground that the learned Magistrate has taken cognizance and issued summons after applying his mind, and specific reasons are not required to be recorded at the stage of taking cognizance.

6. The principle relied upon by respondent No.2 is not applicable to the facts and circumstances of the present case. On the other hand, the Hon'ble Apex Court in *Pramila Devi (supra)* held that specific reasons are not required to be recorded at the stage of taking cognizance. However, the Hon'ble Apex Court further held that while taking cognizance, the learned Magistrate must record his satisfaction and assign reasons. In the case on hand, as stated supra, the learned Magistrate has taken cognizance by using a rubber-stamp order without recording any satisfaction and without assigning any reasons, which clearly reveals non-application of mind.

⁵ 2025 LiveLaw (SC) 467

7. For the foregoing reasons, the impugned docket order dated 25.10.2025 passed by the learned XV Additional Chief Metropolitan Magistrate at Hyderabad City in C.C.No.7873 of 2012 is liable to be set aside. Accordingly set aside. However, this order will not preclude the learned Magistrate from taking cognizance and passing orders afresh in accordance with law, by giving reasons.

8. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/- K.BHAVANI SWAMY
ASSTANT REGISTRAR

SECTION OFFICER

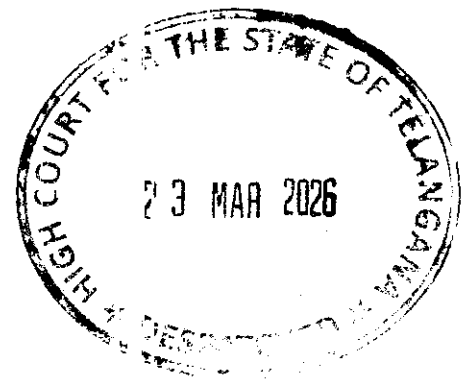
To,

1. The XV Additional Chief Metropolitan Magistrate At Hyderabad City.
2. The Station House Officer, Women Police Station Begunpet, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri B. Kumar Swamy, Advocate [OPUC]
5. One CC to Ms.S. Kiranmayee, Advocate [OPUC]
6. Two CD Copies

 GNK/PSL

HIGH COURT

DATED: 16/03/2026



ORDER

CRLP.No.17243 of 2025

DISPOSING THE CRIMINAL PETITION

QMT
23/3/26