

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

**TUESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 9316 OF 2026

Between:

Santosh Kumar Agarwal, S/o Late M. Shankarlal Aged about. 70 Years, Occ.-
Business/Agriculture, R/o H. No.- 3-6-146, Bhagyanagar, Adilabad.

...PETITIONER/ACCUSED No. 1

AND

1. The state of Telangana, Rep. by Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. Vishnu Prakash, C/o Not Known, Age. Major Occ. Police Officer, R/o II-Town Police Adilabad, Adilabad Town and District

...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 entire proceedings in C.C. No.647 of 2022 on the file of Honble II-Addl Junior Civil Judge Court-Cum-II Addl Judicial Magistrate of First Class at Adilabad arising out of FIR No.197/2022 registered at PS II-Town Adilabad for the alleged offences under Sections 420 IPC and Section 7 of the Essential Commodities Act which is pending before the Honble II-Addl Junior Civil Judge Court-Cum-II Addl Judicial Magistrate of First Class at Adilabad against Petitioner/Accused.

I.A. NO: 3 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. 647 of 2022 on the file of Hon'ble II-Addl Junior Civil Judge Court-Cum-II Addl Judicial Magistrate of First Class at Adilabad arising out of FIR No. 197/2022 registered at PS II-Town Adilabad for the alleged offences under Sections 420 IPC and Section 7 of the Essential Commodities Act which is pending before the Hon'ble II-Addl Junior Civil Judge Court-Cum-II Addl Judicial Magistrate of First Class at Adilabad and including appearance of Petitioner/Accused before the Trial Court.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mayur Mundra, Advocate for the Petitioner, Sri Jithender Rao Veeramalla Additional Public Prosecutor on behalf of the Respondent No. 1 and none appeared 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.9316 of 2026

Date: 23.06.2026.

Between:

Santosh Kumar Agarwal

...Petitioner/accused No.1

AND

The State of Telangana
Rep, by its Public Prosecutor,
High Court for the State of Telangana,
at Hyderabad and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.1 seeking to quash the proceedings in C.C.No.647 of 2022, on the file of learned II Additional Junior Civil Judge Court-cum-II Additional Judicial Magistrate of First Class at Adilabad.

2. Heard Mr.Mayur Mundra, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioner/accused No.1 is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 05.08.2022, the petitioner was found in possession of 125 quintals of PDS rice.

4. Learned counsel for the petitioner would submit that without there being any complaint from any beneficiary, alleging that the rice was procured deceptively or with a criminal intent and charging the petitioner for prosecution is untenable and improper. The allegations, even taken at his face value cannot be sustained against the petitioner. Further, this Court, in Crl.P.No.5709 of 2019, while considering the same situation, categorically observed that the offences alleged against the petitioners therein could not be continued and accordingly quashed the proceedings. The petitioner is also entitled to the same relief and hence prayed to quash the proceedings against the petitioner.

5. The learned Additional Public Prosecutor submits that as per prosecution, the offences said to have been committed by the petitioner is cheating and violation of Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act') and requested to pass appropriate orders.

6. Section 7 of the EC Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities, is punishable. As per the prosecution, the petitioner has procured PDS rice from the beneficiaries after supply from the dealer.

7. A Coordinate Bench of this Court in CrI.P.No.7227 of 2025 has considered the identical facts and observed that:

"There is no averment indicating that the petitioner in any way deceptively induced the beneficiaries to part with the supplied PDS rice or the beneficiary entrusted the PDS rice purchased by them with the petitioner and they dishonestly misappropriated or converted to their own use or used it in violation of a lawful direction or contract. In the absence of essential factors, on the face of prosecution, this Court finds it to be a fit case to exercise the jurisdiction under Section 528 of BNSS, 2023. Thus, continuance of proceedings against the petitioner is abuse of process of law".

8. The facts and circumstances of the present case also similar to those in the above case and hence, this Court finds it to be a fit case to exercise jurisdiction under Section 528 of BNSS by applying the same analogy and to quash the proceedings against the petitioner herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.647 of 2022, on the file of learned II Additional Junior Civil Judge Court-cum-II Additional Judicial

Magistrate of First Class at Adilabad, against the petitioner/accused No.1, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

**SD/-C. DEEPIKA
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Adilabad
2. The Station House Officer, Adilabad-II Town Police Station, Adilabad District
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Mayur Mundra, Advocate [OPUC]
5. Two CD Copies

VH/GNK

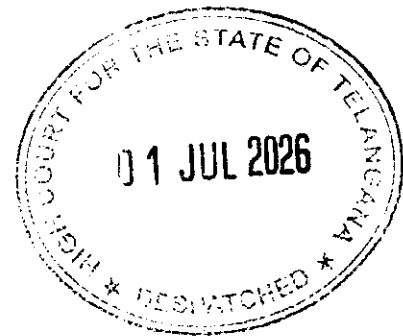
(SPS)

HIGH COURT

DATED: 23/06/2026

ORDER

CRLP.No.9316 of 2026



**ALLOWING THE
CRIMINAL PETITION**

8 (S.P.C.)
11/7/26