

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

**FRIDAY, THE TENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 10723 OF 2026

Between:

1. Pondra Vinod Kumar S/o. Venkateshwarlu, Age. 36 yrs, Occ. Driver, R/o. Rampur Village, Maripeda Mandal, Mahabubabad District. N/o. Kosuva Village, Mova Mandal, Krishna District, Andhra Pradesh State.
2. Palavayi Nagesh, S/o Veeraiah, Age. 38 years, Occ. Coolie, R/o. Ramapuram Village, Maripeda Mandal, Mahabubabad District.

...PETITIONER/ACCUSED No. 1 & 2

AND

The State of Telangana, rep.by its Public Prosecutor, High Court of Telangana at Hyderabad, Through The SHO Parvathagiri police station, Warangal 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 toto quash the proceedings in CC No. 4312 of 2022 on the file the Court Of Addl. Judicial First Class Magistrate At Warangal, Warangal District, against the Petitioners/A.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 grant stay of all further proceedings against the petitioners/Accused No.1 & 2 in CC No. 4312 of 2022 on the file the Court Of Addl. Judicial First Class Magistrate At

Warangal, Warangal District including diespence with the appreance of the petitioners till the disposal of the Main Quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Laxmaiah Kanchani, Advocate for the Petitioners, 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.10723 of 2026

Date: 10.07.2026

Between:

Pondra Vinod Kumar and another

...Petitioners

AND

The State of Telangana

...Respondent

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2, seeking to quash the proceedings in C.C.No.4312 of 2022, on the file of the learned III Additional Judicial First Class Magistrate, Warangal.

2. Heard Mr.Laxmaiah Kanchani, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioners/accused Nos.1 and 2 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 10.07.2021, the petitioners were found in possession of 24 quintals of PDS rice.

4. Learned counsel for the petitioners 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 petitioners for prosecution is untenable and improper. The allegations, even taken at their face value cannot be sustained against the petitioners. 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 petitioners are also entitled to the same relief and hence prayed to quash the proceedings against the petitioners.

5. The learned Additional Public Prosecutor submits that as per prosecution, the offences said to have been committed by the petitioners is cheating and violation of Section 7 of the 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 petitioners have procured PDS rice from the beneficiaries after supply from the dealer.

7. A Coordinate Bench of this Court in Crl.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 petitioners herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.4312 of 2022, on the file of the learned III Additional Judicial First Class Magistrate, Warangal, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- A.V.S. PRASAD
DERUTY REGISTRAR
SECTION OFFICER

To,

4 TRUE COPY A

1. The III Additional Judicial First Class Magistrate, Warangal
2. The Station House Officer, Parvathagiri Police Station, Warangal District
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Laxmaiah Kanchani, Advocate [OPUC]
5. Two CD Copies

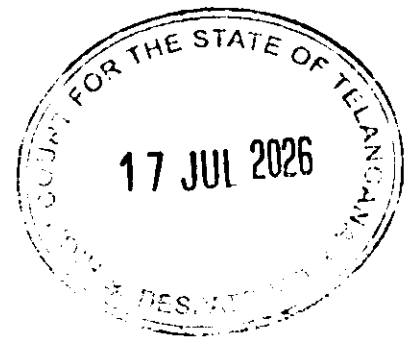
AI

HIGH COURT

DATED: 10/07/2026

ORDER

CRLP.No.10723 of 2026



**ALLOWING THE
CRIMINAL PETITION**

(S) MT
17/7/26