

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

THURSDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 12508 OF 2026

Between:

1. Bharathbai Bikkubai Kodyatar, S/o Bikkubhai, Wrongly shown FIR as Bharath Bikku Padithan age-21 years, Occu-Lorry Driver, R/o Post- Railway station, Barvanesh Ranavav, Porbandar Gujarath-360560
2. Kodyatar Devabhai, s/o Sarmanabhai Wrongly shown in F I R as Deva, Age-29 years, Occu- lorry cleaner R/o Post- Railway station, Barvanesh Ranavav, Porbandar Gujarath-360560

...PETITIONERS/ACCUSED No.1 and 2

AND

1. The State of Telangana, (S.H.O.Pulkal Police station) Rep.by Public Prosecutor, High of Judicature at Hyderabad
2. Veeresham.A., s/o not mentioned in FIR, Age-major, Occu-Deputy Tahasildar,(CS), Pulkal, 0/0 District Civil Supplies Office (CS), Sangareddy district.

...RESPONDENTS/COMPLAINANTS No.1 and 2

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 Nos.1 & 2 herein in FIR NO. 99 of 2026, dated-11-7-2026 on the file of S.HO.P.S. Pulkal, Sangareddy district.

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 stay all further proceedings against the of petitioners/accused Nos. 1 & 2 in FIR NO.99 of 2026, dated-11-7-2026 on the file of S.HO.P.S.Pulkal, Sangareddy district and be pleased.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri DASI RAMESH, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the 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.12508 of 2026

Date: 13.08.2026

Between:

Bharathbai Bikkubai Kodyatar and another.

...Petitioners/Accused Nos.1 and 2

AND

The State of Telangana and another

...Respondents

ORDER:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioners, who were arrayed as accused Nos.1 and 2, seeking to quash the proceedings in F.I.R. No.99 of 2026, on the file of the Station House Officer, Pulkal Police Station, Sangareddy District, for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') and Section 7 of the Essential Commodities Act, 1955 (for short 'the E.C. Act').

2. Heard Mr. Dasi Ramesh, learned counsel for the petitioners, and Mr.V.Jithendar Rao, learned Additional Public Prosecutor for respondent Nos.1 and 2.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and have been falsely implicated in the present crime. Even according to the allegations levelled in the complaint, the ingredients of the offence under Section 318(4) of the BNS and Section 7 of the E.C. Act are not attracted on the ground that the petitioners had purchased the PDS rice from the card holders. The issue raised in this Criminal Petition is squarely covered by the order passed by this Court in CrI.P. No.9638 of 2026 dated 27.07.2026. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process of law.

4. *Per contra*, the learned Additional Public Prosecutor submitted that the petitioners have not placed any material to show that they have purchased the PDS rice from the card holders. The police seized the vehicle when they are transporting the rice from Telangana to Gujarat. Whether the petitioners purchased the PDS rice from the card holders

or from any other source, the same will be revealed during the course of investigation, especially the investigation is under progress.

5. He further submitted that the offences levelled against the petitioners are punishable with imprisonment of less than seven years and the Investigating Officer will follow the due procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') and the guidelines issued by the Apex Court in *Arnesh Kumar Vs. State of Bihar*¹. Hence the petitioners are not entitled to seek quashing of the proceedings at this stage.

6. This Court considered the rival submissions made by the respective parties and perused the material available on record. The specific case of prosecution is that the petitioners have not placed any iota of material to show that the PDS rice was purchased from the card holders or in any other mode. Even according to the learned counsel for the petitioners, the petitioners have not purchased the rice from the card holders. Whether the petitioners have purchased the PDS rice from the card holders or in any other source, is a disputed question of fact. In view of the same, the order relied upon by the learned counsel

¹(2014) 8 SCC 273

for the petitioners in CrI.P.No.9638 of 2026 dated 27.07.2026 is not applicable to the facts and circumstances of the case on the ground that in the said case, the specific case of the prosecution is that the petitioners therein had purchased the PDS rice from the card holders. However, the offences levelled against the petitioners are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer wants to follow the due procedure as contemplated under Section 35(3) of the BNSS.

7. In view of the same, the Investigating Officer is directed to scrupulously follow the due procedure as contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (supra). The petitioners shall cooperate with the investigation. It is needless to mention that the petitioners are entitled to put forth their grievance before the Investigating Officer by raising all the pleas which are available to them and they are also entitled to submit the documents, which are in their custody, pursuant to the notice going to be issued by the Investigating Officer under Section 35(3) of the BNSS.

8. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

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

//TRUE COPY//



SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Andol at Jogipet.
2. The Station House Officer, Police Station, Pulkal, Sangareddy district.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. DASI RAMESH Advocate [OPUC]
5. Two CD Copies

TPK/GNK

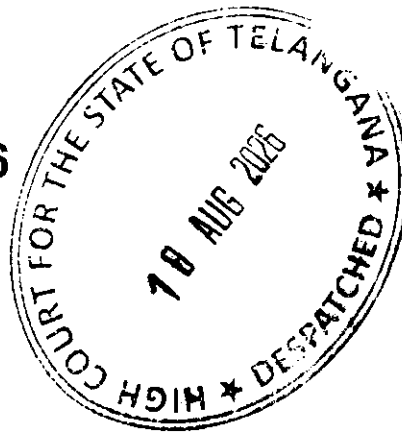


HIGH COURT

DATED: 13/08/2026

ORDER

CRLP.No.12508 of 2026



CRIMINAL PETITION IS DISPOSED OF

(18)

f
18/8/26