

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 13971 OF 2026

Between:

A1- Kallem Upendhar reddy, s/o.Sathireddy, age: 35 years, caste Reddy, occ:
Business, R/o. H.NO. 4-7-184 Prakash nagar, Khammam,Khammam Dist.

(Accused in CC.No.635 of 2025)
...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana,
at Hyderabad.

(COMPLAINANT)

2. Sri Mechu venkateswarlu,(Deputy tasildhar(DT), S/o. Mallaiah, age 53 years,
caste koya, Occ: Govt. official Non-Gezatted, civil supplies officer(DT),
Khammam, Urban, Khammam Dist.

(DEFACTO COMPLAINANT)
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 impugned in C.C.No.635of 2025, On the filing of the III Additional junior Civil
Judge Cum III Additional Judicial Magistrate I Class at Khammam.

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 interim stay order of all further proceedings in C.C.No.635 of 2025, On the filing of the III Additional Junior Civil Judge Cum III Additional Judicial Magistrate 1st Class at Khammam, including appearance and attendance of the petitioners/Accused pending disposal of the above Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri R Y L N Acharyulu, Advocate for the Petitioner and Sri. Jithender Rao Veeramalla, the Additional Public Prosecutor for the State of Telangana 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.13971 of 2026

Date: 31.08.2026

Between:

Kallem Upendhar Reddy

...Petitioner

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner seeking to quash the proceedings in C.C.No.635 of 2025 on the file of the learned III Additional Junior Civil Judge-cum-III Additional Judicial First Class Magistrate at Khammam.

2. Heard Mr.Acharyulu Rompicharla Y.L.N., 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 is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 05.02.2025, the petitioner was found in possession of 33 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 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 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 petitioner herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.635 of 2025 on the file of the learned III Additional Junior Civil Judge-cum-III Additional Judicial First Class Magistrate at Khammam, against the petitioner, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The III Additional Junior Civil Judge-cum-III Additional Judicial First Class Magistrate at Khammam.
2. The Station House Officer, Khammam III town Police Station, Khammam.

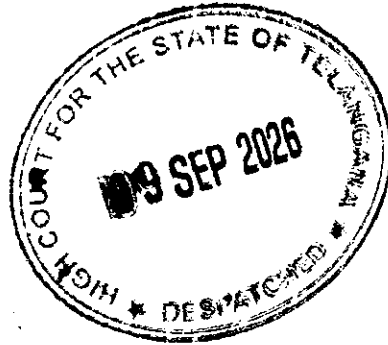
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. R Y L N Acharyulu, Advocate [OPUC]
5. Two CD Copies



Pr/GNK

HIGH COURT

DATED: 31/08/2026



ORDER

CRLP.No.13971 of 2026

ALLOWING THE CRIMINAL PETITION

(S)
MT
9/9/26