

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

**WEDNESDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

**PRESENT
THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA**

CRIMINAL PETITION NO: 947 OF 2025

Between:

1. Parvatham Ramulu, s/o Saraiah, aged 27 years, Occupation . Business, R/o Chelpur village of , Ghanpur Mandal, Mulugu district.
2. Moutam Raju, s/o Veeraiah ,Occ. Business, R/o Begumpet village of Rathnapur Mandal, Karimnagar district.
3. Tekam Rajababu, s/o Sammaiah , age 33 years, Occ. Business, R/o H.No. 1-241, Hanumannagar, Bhupalapalli town and Mandal of Jayashankar Bhupalapalli district
4. Md.Akram, s/o Azmath Pasha, age . 27 years, Occ. Business, R/o H.No. 13-480/1, Ramnagar Bhupalapalli town and Mandal of Jayashankar Bhupalapalli district
5. Moutam Srinu, s/o Sanjeev, age . 26 years, Occ. Business, R/o H.No. 16-382/3, CRNagar, Bhupalapalli town and Mandal of Jayashankar Bhupalapalli district
6. Yellanki Verankumar, s/o Bhadraiah, age. 44 years, Occ. Business, R/o H.No. 8-4-600/1, Ganeshnagar, Karimnagar Town and District
7. Chintha Sadanandam, S/o Mondaiah, Age 44 Years., Occ.Business R/o Pothireddipet v/o Huzurabad Mandal, Karimnagar district

...PETITIONERS

AND

1. The State of Telangana, represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Indrala Malleshham, s/o Komuraiah, age. major, Occ. Deputy Tahsildar (civil supplies) ,R/o Kunchanpalli v/o Husnabad Mandal, Siddipet District

...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 and set aside the proceedings in C.C.No. 830 of 2022 arising from Crime No. 9 of 2018 of the Police Station Kataram on the file of the Additional Judicial Magistrate of the First Class , Bhupalapalli.

I.A. NO: 2 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 the appearance of the petitioners in C.C.No. 830 of 2022 on the file of the Additional Judicial Magistrate of the First Class, Bhupalapalli.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri R.Laxminarasimha Rao, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor, High Court for the State of Telangana, Hyderabad on behalf of the State/ Respondent No.1.

The Court made the following: ORDER:

THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.947 of 2025

ORDER:

1. This Criminal petition is filed by the petitioners/accused Nos.1 to 7 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in C.C.No.830 of 2022 on the file of the learned Additional Judicial Magistrate of First Class, Bhupalapalli, Jayashankar Bhupalapalli District, registered for the offences under Section 420 IPC and Section 7 of Essential Commodities Act, 1955.

2. Heard Sri R.Lakshmi Narsimha Rao, learned counsel for the petitioners/accused Nos.1 to 7 as well as Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned counsel for the petitioners submits that the specific allegation against the petitioners/accused Nos.1- 7 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 12.01.2018 at about 02.00 hrs, the petitioners were found in possession of 112 plastic bags of PDS rice totalling 58 quintals 90 Kgs.

4. Learned counsel for the petitioners/accused Nos.1-7 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 on their face value cannot be sustained against the alleged offences. Further, this Court in Crl.P.Nos.5709 of 2019 and 33493 of 2015 while considering the same situation, categorically observed that the offences alleged against the petitioners therein cannot be continued and 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 submitted that as per prosecution, the offence said to have been committed by the petitioners is cheating and violation of Sections 7 and 8 of the Essential Commodities Act, 1955 and requested to pass appropriate orders.

6. Perused the material available on record.

7. Sections 7 and 8 of the Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities or abatement in this regard is punishable. As per the prosecution, the petitioners have procured PDS rice from the beneficiaries after supply from the dealer. The situation does not amount either intervening with the supply or distribution or trade of the PDS rice as the material rice had reached the beneficiary.

8. That apart, there is no averment indicating that the petitioners 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 petitioners 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. Further, a Coordinate Bench of this Court Cr.P.No.13758 of 2018 has considered identical case facts and drawn similar conclusions. Thus, continuance of proceedings against the petitioners is abuse of process of law.

9. In view of the foregoing discussion, the Criminal Petition is allowed and the proceedings in C.C.No.830 of 2022, pending on the file of the learned Additional Judicial Magistrate of First Class, Bhupalapalli, Jayashankar Bhupalapalli District, against the petitioners/accused Nos.1 to 7, are hereby quashed.

10. Miscellaneous petitions, pending if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Manthani, Jayashankar Bhoopalpally District.
2. The Station House Officer, Kataram Police Station, District.

3. One CC to Sri R Laxminarasimha Rao, Advocate [OPUC]
4. One CC to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
5. Two CD Copies.

PSK /gh

A handwritten signature in black ink, appearing to be 'PSK' with a flourish underneath.

HIGH COURT

DATED:13/08/2025

ORDER

CRLP.No.947 of 2025



ALLOWED THE CRIMINAL PETITION

7
ASU
16/11/25