

IN THE HIGH COURT FOR THE STATE OF TELANGANA

THURSDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 14059 OF 2025

Between:

1. Batchu Bala Krishna,, S/o Batchu Sathyam, Age. 37 years, Occ. Bussiness, R/o. H.No. 13-256/A/1/2, Narsapur Chavarastha, Toopran Mandal, Medak District

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana,, rep.by its Public Prosecutor, High Court of Telangana at Hyderabad, Through The SHO Shivampet police station, Medak District.

...RESPONDENT/COMPLAINANTS

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 in CC. No. 267 OF 2025 on the file the Court Of Judicial First Class Magistrate At Narsapur, Medak District against the petitioner/A2

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 grant stay of all further proceedings against the petitioner/Accused No.2 CC. No. 267 OF 2025 on the file the Court Of Judicial First Class Magistrate At Narsapur, Medak District till the disposal of the Main Quash Petition in the interest of the justice

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri NAKKA NAVEEN ,Advocate for the Petitioner and Sri. Jithender Rao Veeramalla the Additional Public Prosecutor (TG) on behalf of the Sole Respondent.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.14059 of 2025

ORDER:

This Criminal petition is filed by the petitioner/accused No.2 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in C.C.No.267 of 2025 on the file of Judicial First Class Magistrate, Narsapur, registered for the offences under Section 318 (4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955.

2. Heard Sri Nakka Naveen, learned counsel for the petitioner as well as Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent-State.

3. Learned counsel for the petitioner submits that the specific allegation against the petitioner is that he along with other accused have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 07.10.2024 at 22.00 hours, the petitioner along with other accused were found in possession of 84 PDS rice bags.

4. Learned counsel for the petitioner would further 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 on his face value cannot be sustained against the petitioner. 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 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 offence said to have been committed by the petitioner is cheating and violation of Section 7 of the Essential Commodities Act, 1955 and requested to pass appropriate orders.

6. Perused the material available on record.

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

8. 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 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. Thus, continuance of proceedings against the petitioners is abuse of process of law."

9. 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.

10. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.267 of 2025 on the file of Judicial First Class Magistrate, Narsapur, against the petitioner-accused No.2, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- N.CHANDRA SEKHAR RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Narsapur Medak District.
2. The SHO Shivampet Police Station, Medak District.
3. One CC to SRI. NAKKA NAVEEN Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR Advocate [OUT]
5. Two CD Copies

PSL



HIGH COURT

DATED:30/10/2025



ALLOWED

CRLP.No.14059 of 2025

(7)

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11/11/25-