

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

**MONDAY, THE THIRD DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FIVE**

**PRESENT**

**THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA**

**CRIMINAL PETITION NO: 14183 OF 2025**

**Between:**

1. Omkar, Son of Tukaram, Age 35 Years, Occ. Driver, R/o H.No.3/24, Koppargoan, Bidar, Hoomnabad, Karnataka.
2. Ayyappa, @ Raju Rathod, Son of Narendra Rathod, Age 27 Years, Occ. Business, R/o H.No.1-1-42, Laxmi Thimmappa Rice Mill, Chandriki Road, Gurmitakal, Yadgir District,
3. Mohammed Saleemuddin, Son of Salman, Age 25 years, Occ. Lorry Cleaner, R/o Hoomnabad, Karnataka

**...Petitioner/Accused No.1 to 3**

**AND**

1. The State of Telangana, Rep. by its Public Prosecutor High Court at Hyderabad.
2. Smt.Sujatha Chauhan,, Wife of Shankat Chauhan, Aged about 39 years, Occ. Deputy Tahasildar, R/o O/o Dist.Civil Supplies Office, Collectorate, Sanga reddy town and dist

**...1<sup>st</sup> Respondent/State**

**...2<sup>nd</sup> 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 to **call** for the records in connection with C.C.No.964 of 2022, on the file of Court of the Special Judicial Magistrate of First Class (P & M) Sanga Reddy and quash the C.C.NO.964 of 2022 against the petitioners/Accused No.1 to 3 herein.

**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** of all further proceedings including appearance of the petitioner in. C.C.No.964 OF 2022 on the file of Court of the Special Judicial Magistrate of First Class (P & M) at Sangareddy, pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr SOMAVARAPU SATYANARAYANA, Advocate for the Petitioners and Mr. JITHENDER RAO VEERAMALLA, the Additional Public Prosecutor on behalf of Respondent No.1 and none appeared for the Respondent No.2

**The Court made the following: ORDER**

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

**CRIMINAL PETITION No.14183 of 2025**

**ORDER:**

This Criminal petition is filed by the petitioners/accused Nos.1 to 3 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in C.C.No.964 of 2022 on the file of the learned Judicial Magistrate of First Class (P & M) at Sangareddy, registered for the offences under Section 420 of Indian Penal Code, 1860 (for short 'IPC') and Section 7 (1) of the Essential Commodities Act, 1955.

2. Heard Sri Somavarapu Satyanarayana, learned counsel for the petitioners 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 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 21.07.2022 at 07.20 hours, the petitioners were found in possession of 220 quintals of PDS rice.

4. Learned counsel for the petitioners 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 petitioners for prosecution is untenable and improper.

The allegations on their face value cannot be sustained against the petitioners. 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 submits that as per prosecution, the offence said to have been committed by the petitioners is cheating and violation of Section 7 (1) of the Essential Commodities Act, 1955 and requested to pass appropriate orders.

6. Perused the material available on record.

7. Section 7 (1) 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 petitioners have 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 petitioners herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.964 of 2022 on the file of the learned Judicial Magistrate of First Class (P & M) at Sangareddy, against the petitioners-accused Nos.1 to 3, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- N SRIHARI  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judicial Magistrate of First Class (Prohibition and Excise Offences Court at Sangareddy,
2. The Station House Officer, Ramachandrapuram Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to Mr. SOMAVARAPU SATYANARAYANA, Advocate [OPUC]
5. Two CD Copies

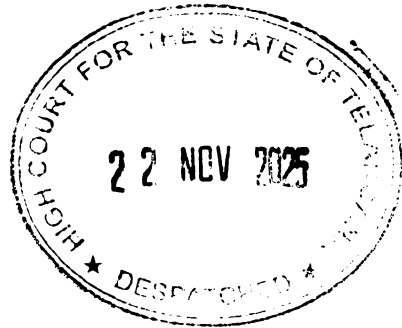
RC/PSL

**HIGH COURT**

**DATED: 03/11/2025**

**ORDER**

**CRLP.No.14183 of 2025**



**Accordingly, this Criminal Petition is Allowed.**

⑧  
kpl  
22/11/25