

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

**TUESDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 14296 OF 2025

Between:

1. Gulam Saleem Ahmed @ Mohd Saleem,, S/o. Gulam Khaleel Ahmed, Age 41 years, Occ: Driver, R/o. H. No. 3-4-24/1, Renjal Base, Bodhan, Raithu Nagar, Nizamabad, Telangana 503185
2. Shaik Sami Pasha @ Shaik Samy Pasha,, S/o. Mehaboob, Age 40 years, Occ: Driver, R/o. H. No. 5-29, Main Road, Yedapalli, Nizamabad, Telangana
3. Shek Afza @ Shaik Afzal,, S/o. Mehaboob Sab, Age 39 years, Occ: Labour, R/o. H. No. 3-112, Sulthanpet, Madnoor Mandal, Nizamabad, Telangana

...PETITIONERS/ACCUSED No.1 to 3

AND

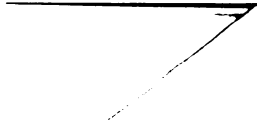
1. The State of Telangana,, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana
2. Mamidi Dathadri,, S/o. Hanmandlu, Age 45 years, Occ: Dy. Tahslidhar(CS), C/o. DCSO, Nizamabad, R/o. H. No. 1-2-121/1/6, Srinagar Colony, Vinayaka Nagar, Nizamabad

...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 proceedings in CC No. 1606 of 2022 on the file of the II Additional Judicial First class Magistrate at Nizamabad in so far as petitioners/Accused No.1 to 3.

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 petitioners/Accused No.1 to 3 in CC No. 1606 of 2022 on the file of the II Additional Judicial First class Magistrate at Nizamabad 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 Sri Alluri Divakar Reddy ,Advocate for the Petitioners 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 the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.14296 of 2025

ORDER:

This Criminal petition is filed by the petitioners/accused Nos.1, to 3 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in C.C.No.1606 of 2022 on the file of the learned II Additional Judicial First Class Magistrate at Nizamabad District, registered for the offences under Section 420 of Indian Penal Code, 1860 (for short 'IPC') and Section 7 of the Essential Commodities Act, 1955.

2. Heard Sri Alluri Divakar Reddy, 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 27.06.2022 at 6.15 AM, the petitioners were found in possession of 42.85 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 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 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.1606 of 2022 on the file of the learned II Additional Judicial First Class Magistrate at Nizamabad District, against the petitioners-accused Nos.1 to 3, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- T. SRINIVASA REDDY
ASSISTANT REGISTRAR



//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Judicial First class Magistrate at Nizamabad
2. The Station House Officer, Nizamabad Rural Police Station, Nizamabad.
3. Two CCs to the Public Prosecutor, High Court of Telangana, Hyderabad (OUT)
4. One CC to Sri. Alluri Divakar Reddy Advocate [OPUC]
5. Two CD Copies

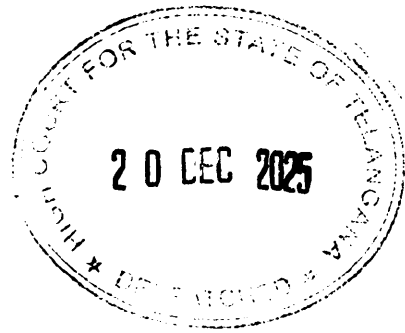
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HIGH COURT

DATED:04/11/2025

ORDER

CRLP.No.14296 of 2025



ALLOWING THE CRIMINAL PETITION

⑧
PA
21/12/25