

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

MONDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 14544 OF 2025

Between:

1. Abddul Rehaman, Son of Abdul laid, Aged about 22 years, Occ. Owner of Lorry Bearing No. KA 56 7808, R/o.Yakubpura Street, Basavakalyan, Bidar District.
2. Srikanth, Son of Manik Rao, Age. 25 years, Occ.Business, R/o Plot.No.842, Shaheen Nagar, Chandrayangutta, Bandlaguda, Hyderabad.
3. Shaik Saleem alias Mathin, Son of Shaik Rehaman Age. 30 Years, R/o Yakubpura Street, Basavakalyan, Bidar District
4. Patel Sab alias Jamadap Vaijinath, S/o.Dhulappa, aged about 39 years, Occ. Business, R/o.D.No.24, Kasimpur, Chitgoppa, Bhaimalli, Bidar District, presently R/o. Sy.No.319, Natraj Nagar Rajendra Nagar, Hyderabad

...PETITIONER/ACCUSED No.1 to 4

AND

1. The State of Telangana, Rep.by its Public Prosecutor High Court at Hyderabad.
... 1st Respondent/State
2. P.Ramulu, Son of Not Known, Age. 50 Years, Occ. Asst.Sub- Inspector of Policer (A.S.I) Circle R/o Gandhi Maisamma, Dundigal, Damara Pochampally, Medchal Malkajgiri Dist

... 2nd 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.989 of 2025, on the file of Court of VIII th Metropolitan Magistrate of First Class Cyberabad at Medchal Malkajgiri District and QUASH the C.C.No.989 of 2025 against the petitioners/Accused No.1 to 4 herein.

I.A. NO: 2 OF 2025

Petition under Section 482 of Cr.P.C 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 petitioners in C.C.NO. 989 of 2025 on the file of Court of VIII th Metropolitan Magistrate of First Class Cyberabad at Medchal Malkajgiri District, pending disposal of the main CrI. Petition and pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SOMAVARAPU SATYANARAYANA, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Addl. Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.14544 of 2025

ORDER:-

1. This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking the Court to quash the proceedings against the petitioners/accused Nos.1 to 4 in C.C. No.989 of 2025 on the file of Court of VIIIth Metropolitan Magistrate of First Class, Cyberabad at Medchal Malkajgiri District, registered for the offences punishable under Sections 318(4) read with 3(5) BNS, Section 7 of Essential Commodities Act, 1955.

2. Heard Sri Somavarapu Satyanarayana, learned counsel for the petitioners/accused Nos.1 to 4 as well as Sri Jitender Rao Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1- State.

3. The specific allegations against the petitioners/accused Nos.1 to 4 are that the petitioners herein have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 10.12.2024, the petitioners were found in possession of 600 bags of PDS rice weighing around 298.30 Quintals.

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 herein 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 hence requested to pass appropriate orders.

6. Perused the material available on record.

7. Sections 7 and 8 of the Essential Commodities Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities or abetment 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 are 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, 2023 by applying the same analogy and to quash the proceedings against the petitioners herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners/accused Nos.1 to 4 in C.C.No.989 of 2025, on the file of the learned VIIIth Metropolitan Magistrate of First Class, Cyberabad at Medchal Malkajgiri District, are hereby quashed.

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

Sd/- A. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VIII Metropolitan Magistrate of First Class Cyberabad at Medchal Malkajgiri District.
2. The SHO, PS Dundigal, Medchal District.
3. One CC to SRI. SOMAVARAPU SATYANARAYANA Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR Advocate [OPUC]
5. Two CD Copies

GE/pr

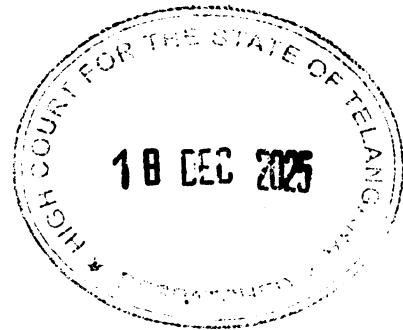
AS

HIGH COURT

DATED:10/11/2025

ORDER

CRLP.No.14544 of 2025



ALLOWING THE CRLP WITHOUT COSTS

⑦ MT
4/12/25