

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

**WEDNESDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 14745 OF 2025

Between:

1. Abdul Sattar alias Shaik Sattar,, S/o. Abdul Kadeer Shaik, Age. 38 years, Occ. Business, R/o. H.No. 3-6-360/1, Chilkuri Laxmi Nagar, Adilabad District 504001.
2. Farhan alias Mohammad Farhan Mohammad Yusuf Sheikh,, S/o. Mohammad Yusuf Sheikh, Age. 33 years Occ. Business, Rio. Akhanda road, Rani Laxmibai Ward, Pandharakawada Yavatmal, Maharashtra 445302

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana, rep.by Public Prosecutor, High Court for the State of Telangana at Hyderabad
2. MD Aleem, C/o. Not Known, Age. 61 years, Occ. Police officer, R/o. Adilabad Rural, Adilabad District 504001

...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 Crime No. 316 of 2025 on the file of Rural Police Station, Adilabad District, against the petitioners/Accused No. 3 and 4

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 stay all further proceedings in Crime No. 316 of 2025 on the file of Rural Police Station, Adilabad District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SOMA RAVI KIRAN REDDY ,Advocate for the Petitioner and Sri. Jithender Rao Veeramalla the Additional Public Prosecutor (TG) 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.14745 of 2025

ORDER:

This Criminal petition is filed by the petitioners/accused Nos.3 & 4 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking to quash the proceedings in FIR No.316 of 2025 on the file of Adilabad Rural Police Station, Adilabad District, registered for the offences under Sections 318(4) of BNS and Section 7 of the Essential Commodities Act, 1955.

2. Heard Sri Soma Ravi Kiran Reddy, learned counsel for the petitioners and 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 petitioner is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 03.10.2025 at about 15.00 hrs., the petitioners were found in possession of 3.50 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 petitioner 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 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 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 FIR No.316 of 2025 on the file of Adilabad Rural Police Station, Adilabad District, against the petitioners, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

Sd/- M. NAGAMANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

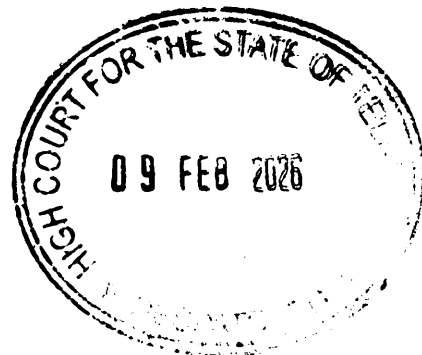
To

1. The Special Judicial First Class Magistrate(PCR) at Adilabad, Adilabad District
2. The SHO Adilabad Rural Police Station, Adilabad District.
3. One CC to SRI. SOMA RAVI KIRAN REDDY Advocate [OPUC]
4. Two Copies to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]

HIGH COURT

DATED:12/11/2025

CRLP.No.14745 of 2025



**CRIMINAL PEITITION IS ALLOWED AND THE
PROCEEDINGS IN FIR NO. 316 OF 2025 ARE HEREBY
QUASHED.**

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Asw
19/12/25