

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

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

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 14971 OF 2025

Between:

1. Salevendra Vinod Kumar, S/o. Sharanappa, Age 48 Years, Occ Business, R/o. H. No. 1-19, Ghatpally Village, Maheshwaram Mandal, Ranga Reddy District
2. Arsad Kali, S/ o. Resam, Age 29 Years, Occ Driver, R/o. Near Chok Vali Masjid, Jhimrawat (125), Mewat, Haryana-122508
3. Rasheed, S/o. Resam, Age 21 Years, Occ Labour, R/o. Near Chok Vali Masjid, Jhimrawat (125), Mewat, Haryana - 122508.

...PETITIONERS/ACCUSED Nos 1 to 3

AND

1. The State of Telangana,, through S.H.O., P.S. Maheshwaram, Rachakonda Commissionerate, Ranga Reddy District, Represented by Public Prosecutor, High Court at Hyderabad. **...RESPONDENT**
2. Pathan Hyder Ali Khan, S/o Late Khaja Khan Age 48 years Occ Deputy Tahsildar Civil Supplies R/o Flat No 302 Shaine Arcade Apartments East Anand Bagh Malkajgiri Ranga Reddy District

...RESPONDENT/DEFACTO 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 quash the charge sheet in C.C. No. 380 of 2024, on the file of Honourable Junior Civil Judge Cum XVII Metropolitan Magistrate, Cyberabad at Maheshwaram(XVII Additional Judicial Magistrate of First Class, Ranga Reddy District, at Maheshwaram), as against the petitioners/ Accused Nos. 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 stay of all further proceedings including appearance of the petitioners/Accused No's. 1 to 3 in C.C. No. 380 of 2024, on the file of Junior Civil Judge Cum XVII Metropolitan Magistrate, Cyberabad at Maheshwaram(XVII Additional Judicial Magistrate of First Class, Ranga Reddy District, at Maheshwaram).

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K VENUMADHAV Advocate for the Petitioners and the Additional Public Prosecutor on behalf of the Respondent No.1 and none for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.14971 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.380 of 2024 on the file of the Junior Civil Judgecum XVII Metropolitan Magistrate, Cyberabad at Maheshwaram (XVII Additional Judicial Magistrate of First Class, Ranga Reddy District, at Maheshwaram, registered for the offences under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 7 of the Essential commodities Act, 1995.

2. Heard Sri K.Venumadhav, 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 10.07.2024 at 19.00 hours, the petitioners were found in possession of 3 tons 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 CrI.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 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 CrI.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.380 of 2024 on the file of the Junior Civil Judgecum XVII Metropolitan Magistrate, Cyberabad at Maheshwaram (XVII Additional Judicial Magistrate of First Class, Ranga Reddy District, at Maheshwaram, against the petitioners-accused Nos.1 to 3, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Junior Civil Judge cum XVII Metropolitan Magistrate, Cyberabad at Maheshwaram (SVII Additional Judicial Magistrate of First Class, Ranga Reddy District, at Maheshwaram.)
2. The Station House Officer, P.S. Maheshwaram, Rachakonda, Ranga Reddy District.

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3. One CC to SRI. K VENUMADHAV Advocate [OPUC]
 4. Two CCs to the Additional PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad.[OUT]
 5. Two CD Copies

 TL/PSL

HIGH COURT

DATED:17/11/2025

ORDER

CRLP.No.14971 of 2025



ALLOWING THE CRIMINAL PETITION.

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Asm
11/12/25