

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 15111 OF 2025

Between:

Duddelli Rajendhar,, S/o. Rajesham, Age. 56 years, Occ.Business, R/o. H.
No. 2-10-11, Shivaji Road, Kamareddy, Telangana-503111

...PETITIONER/ACCUSED

AND

1. The State of Telangana,, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. Y. Kistaiah,, S/o. Narsiah, Age. 55 years, Occ.Deputy Tahsildhar (CS), Kamareddy, R/o. Kamareddy, Telangana-503111

...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 CC No. 109 of 2024 on the file of the Hon'ble Principal Judicial Magistrate Of First class at Kamareddy in so far as petitioner/sole accused and pass such other order

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 petitioner/sole accused in CC No. 109 of 2024 on the file of the Hon'ble Principal Judicial Magistrate Of First class at Kamareddy, pending disposal of the main criminal petition and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

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 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.15111 of 2025

ORDER:

This Criminal petition is filed by the petitioner/accused under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in C.C.No.109 of 2024 on the file of the learned Principal Judicial Magistrate of First Class at Kamareddy, 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 Mr.Alluri Divakar Reddy, learned counsel for the petitioner as well as Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent-State.

3. Learned counsel for the petitioner submits that the specific allegation against the petitioner is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 20.01.2024 at 19:15 hours, the petitioner was found in possession of 19.20 quintals of PDS rice.

4. Learned counsel for the petitioner 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 petitioner for prosecution is untenable and improper. The allegations on his face value cannot be sustained against the

petitioner. 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 petitioner is also entitled to the same relief and hence prayed to quash the proceedings against the petitioner.

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 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 petitioner has 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 petitioner herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.109 of 2024 on the file of the learned Principal Judicial Magistrate of First Class at Kamareddy, against the petitioner-accused, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/- S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Judicial Magistrate Of First class at Kamareddy, Kamareddy District.
2. The SHO Kamareddy Police Station, Kamareddy District.
3. The Deputy Tahsildhar (CS), Kamareddy, Kamareddy District.
4. One CC to SRI. ALLURI DIVAKAR REDDY Advocate [OPUC]
5. Two Copies to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

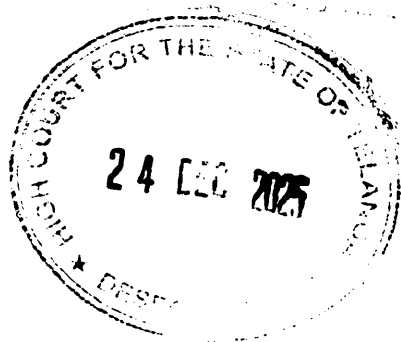
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PA

HIGH COURT

DATED:19/11/2025

CRLP.No.15111 of 2025



**CRIMINAL PEITITION IS ALLOWED AND THE
PROCEEDINGS IN C.C. NO.109 OF 2024 ARE HEREBY
QUASHED.**

(9)

PA
10/12/25