

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

**FRIDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE
PRESENT**

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 15296 OF 2025

Between:

1. Syed Kabeer, S/o. Syed Mahboob, Age 36 years, Occ: Lorry Driver, R/o. H.No. 9-20-958, Mujahid Nagar, Nizamabad District. Presently staying at Pulenagar, Dharmabad Sub District, Nanded District, Maharashtra State.
2. Kunal Sanjiy Pawar, S/o. Sanjiy Pawar, Age 22 years, Occ: Cleaner of lorry, R/o Phulenagar Village, Dharmabad Taluq, Nanded District, Maharashtra State.
3. Shaikh Azim, S/o Shaikh Abdul Rahim, Age 31 yrs, Occ: Lorry Transporter R/o Balapur, Dharmabad Taluq, Nanded District, Maharashtra State

...PETITIONER/ACCUSED No.1,2 & 4.

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana
2. Myaka Srinivas, S/o. Sayanna, Age 47 years, Occ: Dy. Tahasildar (CS), Nizamabad Rural, R/o. H.No. 5-11-25, Yellammagutta, Nizamabad Town and District, Telangana State.

...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. 937 of 2024 on the file of the Hon'ble II Additional Judicial Magistrate of First Class at Nizamabad in so far as petitioners/Accused No. 1, 2 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 to grant stay of all further proceedings against the petitioners /Accused No. 1, 2 and 4 in CC No. 937 of 2024 on the file of the Honorable II Additional Judicial Magistrate of First Class 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 Petitioner and the Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and none appeared for Respondent no.2.

The Court made the following: ORDER

THE HON'BLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.15296 of 2025

ORDER:-

1. This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking to quash the proceedings against the petitioners/accused Nos.1, 2 & 4 in C.C.No.937 of 2024, on the file of the learned II Additional Judicial Magistrate of First Class at Nizamabad, registered for the offences punishable under Section 420 of IPC and Section 7 read with Section 3(2)(e)(f) of Essential Commodities Act, 1955.

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

3. The specific allegation against the petitioners is that they procured PDS Rice from the card holders at cheaper rate and used to sell the same on higher price for profit and on 17.01.2024 at about 11.36 A.M., the petitioners were found in possession of 827 bags of PDS Rice weighing about 385.90 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, charging the petitioners for prosecution is untenable and improper. The allegations leveled against the petitioners cannot be sustained. 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 has submitted that as per prosecution, the offences 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 petitioner herein had procured PDS rice from the card holders 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, 2 & 4 in C.C.No.937 of 2024, on the file of the learned II Additional

Judicial Magistrate of First Class at Nizamabad, are hereby
quashed.

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

Sd/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Judicial First Class Magistrate at Jadcherla.
2. Two CCs to the Public Prosecutor, High court for the state of Telangana, at Hyderabad [OUT]
3. One CC to SRI. ALLURI DIVAKAR REDDY, Advocate [OPUC]
4. Two CD Copies

Tpk/pr

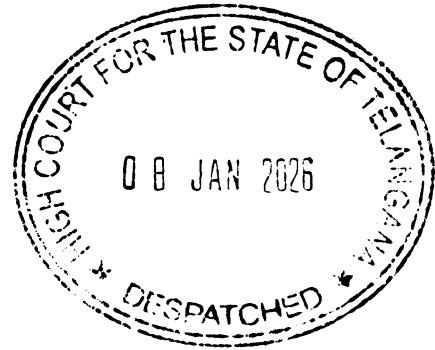


HIGH COURT

DATED:21/11/2025

ORDER

CRLP.No.15296 of 2025



ALLOWING THE CRL.PETITION

FM T
10/12/25