

**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: 15284 OF 2025

Between:

Shaik Babar, S/o. Shaik Shukur, Age 28 years, Occ. Business, R/o. H.No.3-15, MSC form, Yedapally Village & Mandal, Nizamabad District, Telangana State.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. Polamuri Nikhil Raj, S/o. Solaman Raj, Age.34 years, Occ. Dy. Tahasildar (CS), Yedapally Mandal , R/o. Yedapally Town Nizamabad District ,Telangana State.

...Respondents

Petition under Section 528 of BNSS Act, 2023 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. 447 of 2021 on the file of the Additional Judicial Magistrate of First Class at Bodhan in so far as petitioners/Accused

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS Act, 2023 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 in CC No. 447 of 2021 on the file of the Additional Judicial Magistrate of First Class at Bodhan 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 Mr ALLURI DIVAKAR REDDY, Advocate for the Petitioner and Mr. JITHENDER RAO VEERAMALLA, the Additional Public Prosecutor on behalf of 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.15284 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 petitioner/accused in C.C.No.447 of 2021, on the file of the learned Additional Judicial Magistrate of First Class at Bodhan, registered for the offences punishable under Section 420 of IPC and Section 7(1)(a)(i) of Essential Commodities Act, 1955.

2. Heard Sri Alluri Divakar Reddy, learned counsel for the petitioner/accused 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 petitioner is that he used to procure PDS Rice from the local people at cheaper rate and used to sell the same on higher price for profit and on 23.02.2021 at 2200 hours, the petitioner was found in possession of 47 bags of PDS Rice, total weighing 22.15 Quintals.

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, charging the petitioner for prosecution is untenable and improper. The allegations leveled against the petitioner 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 petitioner herein is also entitled to the same relief and hence prayed to quash the proceedings against the petitioner.

5. The learned Additional Public Prosecutor has submitted that as per prosecution, the offences said to have been committed by the petitioner 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 local people 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 petitioner herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner/accused in C.C.No.447 of

2021, on the file of the learned Additional Judicial Magistrate of First Class at Bodhan, are hereby quashed.

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

SD/- T.SRINIVASAREDDY
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Additional Judicial Magistrate of First Class at Bodhan
2. The Station House Officer, Yedapally Police Station, Nizamabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to Polamuri Nikhil Raj, S/o. Solaman Raj, Age.34 years, Occ. Dy. Tahasildar (CS), Yedapally Mandal, R/o. Yedapally Town Nizamabad District, Telangana State. [OPUC]
5. One CC to Mr. ALLURI DIVAKAR REDDY, Advocate [OPUC]
6. Two CD Copies

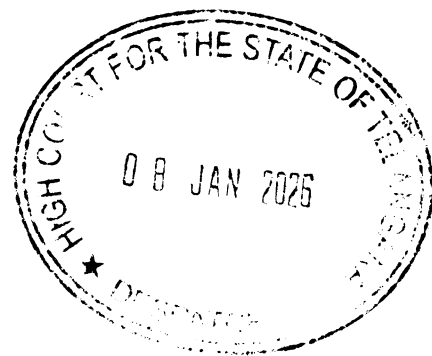
RC/PSL

HIGH COURT

DATED: 21/11/2025

ORDER

CRLP.No.15284 of 2025



Accordingly, this Criminal Petition is Allowed

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Asm
10/12/25