

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

**MONDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 15374 OF 2025

Between:

1. Md. Afsar @ M.A. Ahmed Afsar, S/o. Md. @ M.A Majeed, Aged 38 years, Occ. Business, R/o. H.No. 9-13-120, Mohammadiya colony, Nizamabad District. Pincode. 503001.
2. Shaik Sajid, S/o. Shaik Moula, aged 35 years, Occ. Business, R/o. H.No. 10-13-277/1, Vengal rao colony, Nizamabad District. Pincode. 503001

...PETITIONER/ACCUSED NOS. 1 AND 2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad
2. Sri. Polamuri Nikhil Raj, Deputy Tahsildar (CS), Nizamabad District. Pincode. 503001

...RESPONDENTS/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 impugned proceedings in F.I.R. No. 179 of 2025, on the file of the Nizamabad V TN Police Station, Nizamabad District, in so far as Petitioners / Accused Nos. 1 and 2, are concerned and pass such other order or orders may deem fit and proper in the circumstances of the case.

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 interim stay of all further proceedings in F.I.R. No 179 of 2025, on the file of the Nizamabad V TN Police Station, Nizamabad District, Nizamabad District., including arrest, appearance and attendance of the petitioners / Accused Nos. 1 and 2, pending disposal of the above Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G. Raghu, Advocate for the Petitioner and Sri. Jitender Rao Veeramalla, Additional Public Prosecutor on behalf of the 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.15374 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 in Crime No.179 of 2025, on the file of Nizamabad V Town Police Station, Nizamabad District, registered for the offences punishable under Section 318(4) of BNS, 2023 and Sections 3 & 7 of Essential Commodities Act, 1955.

2. Heard Sri G.Raghu, learned counsel for the petitioners/accused Nos.1 & 2 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 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 05.09.2025 at 20.00 hours, the petitioners were found in possession of 31 bags of PDS Rice weighing around 10.20 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 petitioners 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 petitioners herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners/accused Nos.1 & 2 in Crime

No.179 of 2025, on the file of Nizamabad V Town Police Station,
Nizamabad District, are hereby quashed.

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

SD/- U. SUDHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Nizamabad V TN Police Station, Nizamabad.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
3. One CC to Sri. G. Raghu, Advocate [OPUC]
4. Two CD Copies.

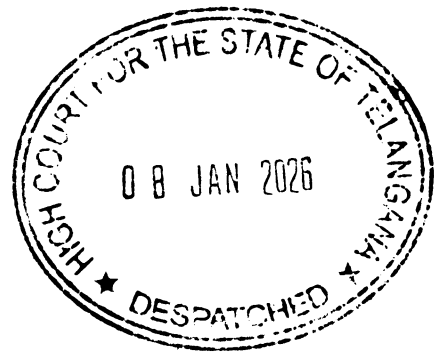
PM/Sa

HIGH COURT

DATED:24/11/2025

ORDER

CRLP.No.15374 of 2025



ALLOWING THE CRIMINAL PETITION.

EmT
10/12/25