

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

WEDNESDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 15514 OF 2025

Between:

Mohammed Sohail, S/o. Shaik Haimad, Age 29 years, Occ. Business, R/o. H.No. 1-7, Mamidipally Village, Armoor Mandal, Nizamabad District, Telangana, Mobile 9392417072. **...Petitioner/Accused**

AND

1. The State of Telangana,, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. Ginguri Vinod, S/o. Ramulu, Age 50 years, Occ. Dy Tahasildar (CS), Aloor, I/c Makloor Mandal, R/o. Mubaraknagar, Nizamabad Town Nizamabad Mandal and District , Telangana State. **...Respondents**

Petition under Section 528 of BNSS, 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. 367 of 2025 on the file of the Special Judicial Magistrate of First Class Excise cum IV Additional Judicial Magistrate of First Class at Nizamabad in so far as Petitioner.

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS, 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 Petitioner in CC No. 367 of 2025 on the file of the Special Judicial Magistrate of First Class Excise cum IV 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 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 HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.15514 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.367 of 2025 on the file of the learned Special Judicial Magistrate of First Class Excise-cum-IV Additional Judicial Magistrate of First Class at Nizamabad, registered for the offences under Section 318 (4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), Section 7 of the Essential Commodities Act, 1955 and Section 17(e) of the Telangana State Civil Supplies of Public Distribution System Act, 2016.

2. Heard Sri Alluri Divakar Reddy, learned counsel for the petitioner as well as Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-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 15.08.2024, the petitioner was found in possession of 30.20 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 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 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.367 of 2025 on the file of the learned Special Judicial Magistrate of First Class Excise-cum-IV Additional Judicial Magistrate of First Class at Nizamabad, against the petitioner-accused, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

Sd/- A. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judicial Magistrate of First Class for Trial of Cases under TS Prohibition & Excise Act cum IV Additional Judicial Magistrate of First Class at Nizamabad
2. The Station House Officer, Makloor Police Station, Nizamabad Dist.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to Mr ALLURI DIVAKAR REDDY, Advocate [OPUC]
5. Two CD Copies

HIGH COURT

DATED: 26/11/2025

ORDER

CRLP.No.15514 of 2025



Accordingly, this Criminal Petition is Allowed.

(8)
15/12/25
[Signature]