

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

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

PRESENT

THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 15683 OF 2025

Between:

Mohammad Abdul Mohsin, S/o. Kaleem, Aged 27 years, Occ. Business, R/o. H.No. 4-3-211/1, Jagtial Town and District. Pincode. 505327.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad.
2. Sri. Abdul Raheem, Sub-Inspector, Jagtial Town P.S, Jagtial District. Pincode. 505327.

...Respondent/Complainant

Petition under Section 528 of B.N.S.S. 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 C.C.No. 1319 of 2022, on the file of the Court of the I Additional Judicial Magistrate of First Class at Jagtial.

I.A. NO: 2 OF 2025

Petition under Section 528 of B.N.S.S. 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 C.C No 1319 of 2022 on the file of the Court of the I Additional Judicial Magistrate of First Class at Jagtial, including appearance and attendance of the petitioner/Accused, 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 Gaje Raghu, Advocate for the Petitioner and Sri V.Jithender Rao, 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.15683 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.1319 of 2022, on the file of the learned I Additional Judicial Magistrate of First Class at Jagtial, registered for the offence punishable under Section 420 of IPC and Section 7(a) of Essential Commodities Act, 1955.

2. Heard Sri G.Raghu, 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/accused is that he procured PDS Rice from the beneficiaries at cheaper rate to sell the same for profit and on 08.10.2022 at 12:00 hours, the petitioner was found in possession of 66 bags of PDS rice weighing 66 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 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 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.1319 of



2022, on the file of the learned I Additional Judicial Magistrate of First Class at Jagtial, are hereby quashed.

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

SD/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Judicial Magistrate of First Class, at Jagtial.
2. The Station House Officer, Jagtial Town Police Station, Jagtial District.
3. One CC to Sri. Gaje Raghu, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana. [OUT]
5. Two CD Copies

YJR /PSL

YJR

HIGH COURT

DATED:28/11/2025

ORDER

CRLP.No.15683 of 2025



ALLOWING OF THE CRIMINAL PETITION.

8 copies
for
16/12/25