

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

**WEDNESDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 15841 OF 2025

Between:

Abdul Sattar @ Akram, S/o. Fathe Mohammed, Aged 45 years, Occ: Business,
R/o. H.No. 18-1-350/21/15/1, Behind Mary High School, Ayesha Colony,
Yousufain Colony, Rakshapuram, Hyderabad.

...PETITIONER/ACCUSED No.2

AND

1. The State of Telangana, Rep. by the Public Prosecutor, Telangana High Court, Hyderabad.

...RESPONDENT/RESPONDENT

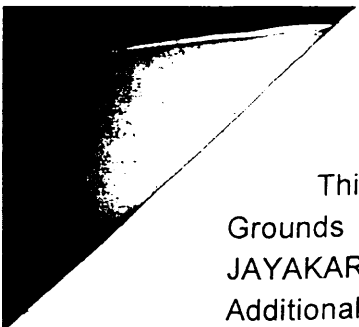
2. Mohd Ahmed, Senior Cheking Inspector, o/o ACSO Yakutpura Circle, Hyderabad.

...RESPONDENT/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 proceedings in C.C.No. 7941 of 2024 on the file of the Chief Judicial Magistrate at Hyderabad, to the extent of the petitioner, who are arrayed as accused No. 2.

I.A. NO: 1 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 stay all further proceedings including the personal appearance in C.C. No. 7941 of 2024 on the file of the Chief Judicial Magistrate at Hyderabad, to the extent of the petitioner, who are arrayed as Accused No. 2.



This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M W R JAYAKAR, Advocate for the Petitioner and Mr. V.JITHENDAR RAO, the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.15841 of 2025

Date: 10.12.2025

Between:

Abdul Sattar

...Petitioner

AND

The State of Telangana,
Rep. by its Public Prosecutor,
Telangana High Court, Hyderabad and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.7941 of 2024 on the file of the learned Chief Judicial Magistrate, Hyderabad, wherein the petitioner was as accused No.2, for the offences punishable under Sections 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr.M.W.R.Jayakar, learned counsel for the petitioner and Mr.V.Jithendar Rao, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioner/accused No.2 he along with other accused have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 17.07.2024 at about 07:30 hours, the petitioner was found in possession of 14 bags of PDS rice totalling 6.5 quintals.
4. Learned counsel for the petitioner would 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, even taken at his face value cannot be sustained against the petitioner. Further, this Court in Crl.P.No.5709 of 2019 and 3349 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 are 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 petitioner is cheating and violation of Section 7 of the EC Act and requested to pass appropriate orders.

6. Section 7 of the EC 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 petitioner have procured PDS rice from the beneficiaries after supply from the dealer.

7. 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 petitioner 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 petitioner 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 petitioner is abuse of process of law”.

8. 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.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.7941 of 2024 on the file of the learned Chief Judicial Magistrate, Hyderabad, against the petitioner/accused No.2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chief Judicial Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Chandrayangutta Police Station, Hyderabad District.
3. Two CCs to the Public Prosecutor, High court for the state of Telangana, at Hyderabad [OUT]
4. One CC to SRI. M W R JAYAKAR, Advocate [OPUC]
5. Two CD Copies

Pr/PSL



HIGH COURT

DATED:10/12/2025

ORDER

CRLP.No.15841 of 2025



ALLOWING THE CRL.PETITION

⑧
kps
18/12/25