

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: 16430 OF 2025

Between:

1. Moin Khan @ Pathan Moin, S/o. Samad Khan, Age. 37 years, Occ. Business, R/o.H.No.1-24 Baswapur Village, Kotagiri Mandal, Nizamabad District, Telangana State.
2. Shaik Akbar, S/o. Ahmedmiya, Age. 37 years, Occ. Business, R/o. H. No. 4-1-77, Shakkarnapar, Aneesanagar, Bodhan Mandal, Nizamabad Telangana State.

...Petitioner/Accused -1&2

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. P. Nikhil Raj, Dy. Tahsildhar(CS), Varni, Nizamabad District, Telangana.

...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. 75 of 2022 on the file of the Additional Judicial Magistrate of First Class at Bodhan in so far as petitioners/Accused No.1 and 2.

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** stay of all further proceedings against the petitioners/Accused No. 1 and 2 in CC No. 75 of 2022 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 Petitioners 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

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.16430 of 2025

Date: 10.12.2025

Between:

Moin Khan @ Pathan Moin and another

...Petitioners

AND

The State of Telangana,
Rep. by the Public Prosecutor, High Court,
at Hyderabad for the State of
Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.75 of 2022, on the file of the Additional Judicial Magistrate of First Class at Bodhan, wherein the petitioners were arrayed as accused Nos.1 and 2, for the offences punishable under Section 420 of the Indian Penal Code, 1860 (for short 'IPC') and Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr.A.Divakar Reddy, learned counsel for the petitioners and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioners/accused Nos.1 and 2 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 10.11.2025 at about 14:30 hours, the petitioners were found in possession of 73 bags of PDS rice totalling 46.30 quintals.

4. Learned counsel for the petitioners 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 petitioners for prosecution is untenable and improper. The allegations, even taken at their face value cannot be sustained against the petitioners. Further, this Court, in Crl.P.Nos.5709 of 2019 and 3349 of 2015, while considering the same situation, categorically observed that the offences alleged against the petitioners therein could not be continued and accordingly quashed the proceedings. The petitioners are also entitled to the same relief and hence prayed to quash the proceedings against the petitioners.

5. The learned Additional Public Prosecutor submits that as per prosecution, the offences said to have been committed by the petitioners 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, is punishable. As per the prosecution, the petitioners 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 petitioners herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.75 of 2022, on the file of the Additional Judicial Magistrate of First Class at Bodhan, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- A.PRATHIMA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

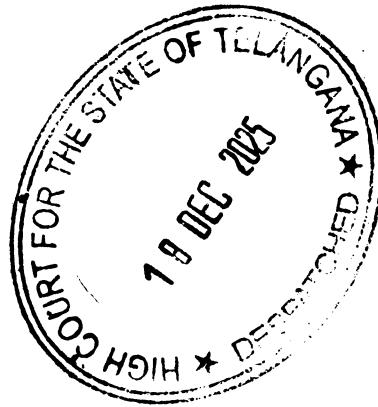
1. The Additional Judicial First Class Magistrate at Bodhan.
2. The Station House Officer, Varni Police Station, Nizamabad Dist.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to Mr. ALLURI DIVAKAR REDDY, Advocate [OPUC]
5. Two CD Copies

RC/PSL



HIGH COURT

DATED: 10/12/2025



ORDER

CRLP.No.16430 of 2025

Accordingly, this Criminal Petition is Allowed.

⑧
18/12/25
b.K