IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16495 OF 2025

Between:

1. Dheeravathu Soni,, W/o Kishar Aged about 38 years, Occ Business R/o Keshavanagar Colony, Ver.Katadripalem (V), Miryalguda, Nalgonda 508207
2. Narendra Dhanavath,, S/o Ushya Naik, Aged about 40 years, Occ Business, R/o H.No.5-104, Jamku Thanda. Venkatadripalem Village, Miryalguda, Nalgonda District - 508207.

...PETITIONER/ACCUSED NO.1 AND 2

AND

1. The State of Telangana,, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad
2. A. Nagaiah,, S/o Not known to the petitioner, Aged about 36 years, Occ: Police Constable, Miryalguda Rural Police Station Nalgonda District - 508207

...RESPONDENT NO.2/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 call for the records in CC No.1198 of 2024 on the file of Judicial First Class Magistrate (ADM-II) Miryalguda and quash the same

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 stay of all further proceedings against the petitioners/A-1 and A-2 in CC No.1198 of 2024 on the file of Judicial First Class Magistrate (ADM-II) Miryalguda, pending disposal of the main criminal petition

This Petition coming on for hearing, upon perusing he Memorandum of Grounds of Criminal Petition and upon hearing the a guments of Sri CH RAVINDER ,Advocate for the Petitioner and Sri V.JITHEN ER RAO Additional Public Prosecutor on behalf of the Respondent No1. and one appear for the Respondent No2.

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.16495 of 2025

Date: 11.12.2025

Between:

Dheeravathu Soni and another

...Petitioners

AND

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

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.1198 of 2024, on the file of learned Judicial First Class Magistrate (ADM-II), Miryalguda, wherein the petitioners were arrayed as accused Nos.1 and 2, for the offences punishable under Section 318 (4) of the Indian Penal Code, 1860 and Section 7 of the Essential Commodities Act, 1955.

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

3. The specific allegation against the petitioner /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 07.07.2024 at about 05:00 hours, the petitioners were found in possession of 10 quintals of PDS rice.

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 Cr.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 are cheating and violation of Section 7 of the Essential Commodities Act, 1955 and requested to pass appropriate orders.

6. Section 7 of the Essential Commodities 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.1198 of 2024, on the file of learned Judicial First Class Magistrate (ADM-II), Miryalguda, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

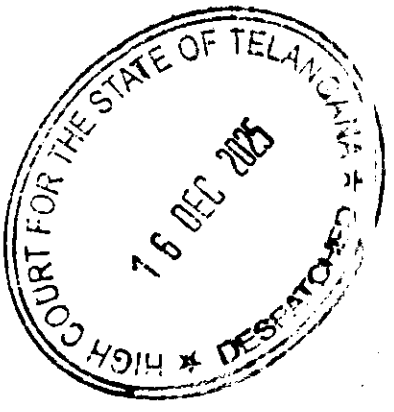
1. The Judicial First Class Magistrate (ADM-II) Miryalguda
2. The Station House Officer, Police Station Miryalaguda Rural , nalgonda District
3. One CC to SRI. CH RAVINDER Advocate [OPUC]
4. Two CC to SRI. PUBLIC PROSECUTOR High court for the state of Telangana at Hyderbad [OUT]
5. Two CD Copies

AG

HIGH COURT

JSRJ

DATED:11/12/2025



ORDER

CRLP.No.16495 of 2025

CRLP IS ALLOWED

16/12/25
O.K