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

MONDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16716 OF 2025

Between:

1. Dhanavathu Narendar & Narender Naik, S/o Usha Naik, Aged about 40 years, Occ. Business, R/o Jamku Thanda (V), Miryalguda (M), Nalgonda District.
2. Modugu Srikanth, S/o Narsaiah. Aged about 33 years, Occ. Kirana Shop Business, R/o Mukundapuram (V), Nidmanoor (M), Nalgonda District.

...Petitioner/A-1&2

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad. **...Respondent**
2. Tagur Surendar Singh, S/o Khandan Singh, Aged 51 years, Occ. Revenue Inspector (Civil Supplies), Miryalguda Nalgonda District.

...Respondent-2/Complainant

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 **Call** for the records in CC No.773 of 2024 on the file of the II Addl. Judicial First Class Magistrate at Miryalguda and quash the same

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 **Stay** of all further proceedings against the petitioners/A-1 & A-2 in CC No.773 of 2024 on the file of the II Addl. Judicial First Class Magistrate at Miryalguda. 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 CH RAVINDER, 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.16716 of 2025

Date: 15.12.2025

Between:

Dhanavath Narendar & Narendar Naik and another

...Petitioners

AND

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

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.773 of 2024, on the file of II Additional Judicial First Class Magistrate at Miryalguda, wherein the petitioners were arrayed as accused Nos.1 and 2, for the offence punishable under Sections 420 of Indian Penal Code and Section 7 of Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Sri Ch.Ravinder, learned counsel for the petitioners and Mr.V.Jithendar Rao, 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 16.04.2024 at about 07.00 hours, the petitioners were found in possession of 60 bags of PDS rice totalling 30.70 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 offence 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 in this regard 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.773 of 2024, on the file of II Additional Judicial First Class Magistrate at 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 II Addl. Judicial First Class Magistrate at Miryalaguda.
2. The Station House Officer, Miryalaguda Rural Police Station, Nalgonda District

District.

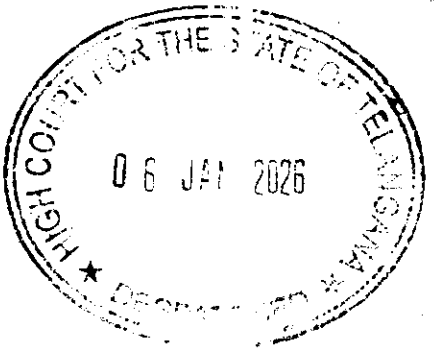
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to Mr. CH RAVINDER, Advocate [OPUC]
5. Two CD Copies

RC/PSL

JKS

HIGH COURT

DATED: 15/12/2025



ORDER

CRLP.No.16716 of 2025

Accordingly, this Criminal Petition is Allowed.

(8) JKS
3/1/26