IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION NO: 16704 OF 2025

Between:

1. Pothuganti Srinivas @ Pallella Srinivas, S/o Venkateswarlu, Aged about 50 years, Occ: Business, R/o H.No.1-393, Gandhinagar, Miryalguda Town, Nalgonda District.
2. Macha Ravi, S/o Somaiah, Aged about 37 years, Occ: Driver of the Ashok Leyland Vehicle B.No.TS 05 UE 6229, R/o Mulakala Kanalva Village, Miryalguda Mandal, Presently Sundarnagar, Miryalguda Town.
3. Kethavath Koti @ Kotamma, W/o Saida, Aged about 45 years, Occ: Coolie R/o Kethavath Thanda (V), H/o Dilavarpur PO, Damaracharla (M), Nalgonda District.

...Petitioner/A-1 to A-3

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad. **...Respondent**
2. K. Srinivas, S/o Not known to the petitioners, Aged Major, Occ: A.S.I Miryalguda I Town 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.409 of 2025 on the file of Hon'ble Judicial First Class Magistrate at Miryalguda and quash the same.

I.A. NO: 2 OF 2025

Petition under Section 482 of Cr.P.C 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 to A-3 in CC No.409 of 2025 on the file of Hon'ble 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 Sri Ch. Ravinder, Advocate for the Petitioners and the Additional Public Prosecutor on behalf of the 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.16704 of 2025

Date: 15.12.2025

Between:

Pothuganti Srinivas and two others

...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.409 of 2025, on the file of Judicial First Class Magistrate at Miryalguda, wherein the petitioners were arrayed as accused Nos.1 to 3, for the offence punishable under Sections 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') 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 to 3 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 12.01.2025 at about 07.00 hours, the petitioners were found in possession of PDS rice totalling 50 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.409 of 2025, on the file of Judicial First Class Magistrate at Miryalguda, against

the petitioners/accused Nos.1 to 3, are hereby quashed.

Pending miscellaneous applications if any, shall stand closed.

Sd/- P PONNA KRISHNA
ASSISTANT REGISTRAR

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SECTION OFFICER

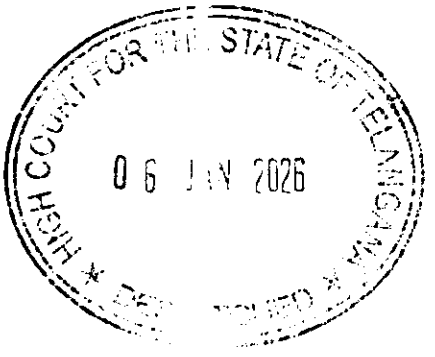
To,

1. The Judicial First Class Magistrate at Miryalguda
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to Sri Ch. Ravinder, Advocate [OPUC]
4. Two CD Copies

TTS/kam

HIGH COURT

DATED:15/12/2025



ORDER

CRLP.No.16704 of 2025

ALLOWING THE CRIMINAL PETITION

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