IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY,THE SIXTEENTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16879 OF 2025

Between:

Shaik Gouse, S/o Mansoor, Age. 44yrs, Occ. Driver, R/o Raikur Village, Rudrur Mandal, Nizamabad District, Telangana State.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana
2. P. Nikhil Raj, S/o. Not Known, Occ. Dy. Tahasildar, Varni Village, Nizamabad District, Telangana State.

...RESPONDENTS/COMPLAINANTS

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. 34 of 2023 on the file of the Additional Judicial Magistrate of First Class at Bodhan in so far as petitioner/Accused;

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 grant stay of all further proceedings against the petitioner/Accused in CC No. 34 of 2023 on the file of the Additional Judicial Magistrate of First Class at Bodhan.

This Petition coming on for hearing,upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri ALLURI DIVAKAR REDDY, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Addl. Public Prosecutor on behalf of the Respondent No. 1 and none appear 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.16879 of 2025

Date: 16.12.2025

Between :

Shaik Gouse.

...Petitioner/Accused.

AND

The State of Telangana represented by its Public Prosecutor and another.

...Respondents

ORDER:

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.34 of 2023, on the file of Additional Judicial Magistrate of First Class, Bodhan, wherein petitioner was arrayed as accused, 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. Alluri Divakar Reddy, learned counsel for the petitioner and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing on behalf of respondent No.1-State.

3. The specific allegation against the petitioner/accused is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 15.11.2022 at about 12:30 hours, the petitioner was found in possession of 15 bags of PDS rice totalling 8 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.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 petitioner is 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 offences 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, is punishable. As per the prosecution, the petitioner has 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.34 of 2023, on the file of Additional Judicial Magistrate of First Class, Bodhan, against the petitioner/accused, are hereby quashed.

Miscellaneous applications, pending if any, shall stand closed.

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

//TRUE COPY//

SECTION OFFICER

To,

1. The Addl. Judicial First Class Magistrate, Bodhan
2. The Station House Officer, Varni P.S., Nizamabad
3. One CC to SRI. ALLURI DIVAKAR REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad (OUT)
5. Two CD Copies

VSM;PSL

HIGH COURT

DATED:16/12/2025



ORDER

CRLP.No.16879 of 2025

ALLOWING THE CRIMINAL PETITION

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