IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY,THE NINETEENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17260 OF 2025

Between:

1. Motam Veeraiah @ Veeraswamy,, S/o. Mahankali, Aged 41 years, Occ. Business, R/o. H.No.10-33/65/1, Mulkanoor Village, Bheemadevarapally Mandal, Karimnagar District. Pincode. 505471

2. Chithari Kotilingam, S/o. Ramulu, Aged 38 years, Occ. Business, R/o. H.No.10, Mulkanoor Village, Bheemadevarapally Mandal, Karimnagar District. Pincode. 505471.

3. Chithari Yerragattu,, S/o. Pakeer, Aged 29 years, Occ. Business, R/o. H.No.10-33/60 Mulkanoor Village, Bheemadevarapally Mandal, Karimnagar District. Pincode. 505471.

...PETITIONER/ACCUSED NOs.1 to 3

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad.

2. Sri. B. Ravinder, Sub-Inspector, K.U.C P.S, District Hanumakonda. Pincode. 506371.

...RESPONDENTS/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 quash the impugned proceedings in C.C.No. 855 of 2025, on the file of the III Additional Judicial Magistrate of First Class at Hanumakonda.

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 interim STAY of all further proceedings in proceedings in C.C. No. 855 of 2025, on the file of the III Additional Judicial Magistrate of First Class at Hanumakonda, including appearance and attendance of the petitioners / Accused Nos. 1 to 3, pending disposal of the above Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri GAJE RAGHU ,Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1

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.17260 of 2025

Date: 19.12.2025

Between:

Motam Veeraiah and 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.855 of 2025, on the file of III Additional Judicial Magistrate of First Class at Hanumakonda, wherein the petitioners were arrayed as accused Nos.1 to 3, for the offence punishable under Section 318(4) of Bharatiya Nyaya Sanhitha, 2023, and Section 7 of Essential Commodities Act, 1955.

2. Heard Sri G.Raghu, 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 03.09.2024 at about 17.30 hours, the petitioners were found in possession of 465 bags of PDS rice totalling 26.650 kgs.

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.855 of 2025, on the file of III Additional Judicial Magistrate of First Class at Hanumakonda, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

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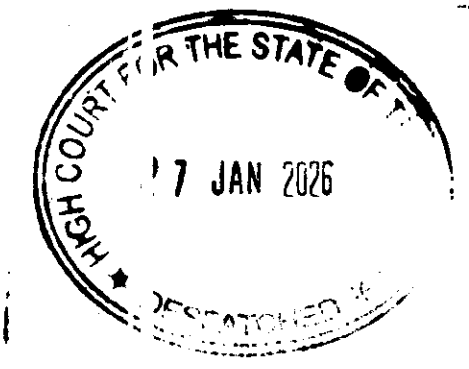
SECTION OFFICER

To,
1. The III Additional Judicial Magistrate of First Class at Hanumakonda
2. The SHO, PS K.U.C., District Hanamkonda,District.
3. One CC to SRI. GAJE RAGHU Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR [OUT]
5. Two CD Copies

GE\Psl

HIGH COURT

DATED:19/12/2025



ORDER

CRLP.No.17260 of 2025

ALLOWING THE CRLP WITHOUT COSTS

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