

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

**TUESDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 17875 OF 2025

Between:

1. Mohammad Madhini, S/o. Abdul Karoem, Aged 23 years, Occ. Driver, R/o. H.No. 10-13-280/4, Vengalrao colony, Nizamabad District. Pincode. 503001.
2. Shaik Afan, S/o. Yousuf, Aged 34 years, Occ. Business, R/o. H.No. 10-13-281/1, Vengalrao colony, Nizamabad District. Pincode. 503001
3. Junaid Ahmed @ Afsar, S/o. Azeem Ahmed, Aged 28 years, Occ. Business, R/o. H.No. 9-13-266, Hajam colony, Nizamabad District. Pincode. 503001.

...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. A. Mahesh Kumar, UDRI (CS), Yedapally, Nizamabad District. Pin code. 503202.

...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 F.I.R. No. 218 of 2025, on the file of the Yedapally Police Station, Nizamabad District, In so far as Petitioners/ Accused Nos. 1 to 3, are concerned and pass such other order or orders may deem fit and proper in the circumstances of the case.

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 F.I.R. No. 218 of 2025, on the file of the Yedapally Police Station, Nizamabad District, including arrest, appearance and attendance of the petitioners/Accused Nos. 1 to 3, pending disposal of the above Criminal petition and pass such other order or orders may deem fit and proper in the circumstances of the case.

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 Petitioner and the Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of 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 HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.17875 of 2025

Date: 30.12.2025

Between:

Mohammad Madhini and two others

...Petitioners/accused Nos.1 to 3

AND

The State of Telangana,
Represented by its Public Prosecutor,
High Court of Telangana, at Hyderabad and another

...Respondents

ORDER

This Criminal petition is filed by the petitioners/accused Nos.1 to 3 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in FIR.No.218 of 2025 on the file of Yedapally Police Station, Nizamabad District, registered for the offence punishable under Sections 318(4), 111(2)(b) r/w. 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 7, 17(e) of the Essential Commodities Act, 1955.

2. Heard Sri G. Raghu, learned counsel for the petitioners as well as Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned counsel for the petitioners submits that the specific allegation against the petitioners is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 09.11.2025 at about 23:30 Hrs, the petitioners were found in possession of 28.60 quintals of PDS rice.

4. Learned counsel for the petitioners would further 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 on their face value cannot be sustained against the petitioners. Further, this Court in CrI.P.Nos.5709 of 2019 and 33493 of 2015 while considering the same situation, categorically observed that the offences alleged against the petitioners therein cannot be continued and 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 Essential Commodities Act, 1955 and requested to pass appropriate orders.

6. Perused the material available on record.

7. Section 7 of the Essential Commodities 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.

8. 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 petitioners 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 petitioners 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 petitioners is abuse of process of law."

9. 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.

10. Accordingly, the Criminal Petition is allowed and the proceedings in FIR.No.218 of 2025 on the file of Yedapally Police Station, Nizamabad District, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- T. SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Two CCs to the Public Prosecutor, State of Telangana, High Court Buildings, at Hyderabad (OUT)
2. The Station House Officer, Yedapally Police Station, Nizamabad.
3. One CC to Sri Gaje Raghu, Advocate [OPUC]
4. Two CD Copies

DL/SA

HIGH COURT

DATED:30/12/2025

ORDER

CRLP.No.17875 of 2025



ALLOWING THE CRIMINAL PETITION

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