

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 17919 OF 2025

Between:

1. Motam Veeraiah,, 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.

...PETITIONER/ACCUSED NOS:1 & 2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad.
2. Sri. K. Narsimha Reddy, ASI,, Elkathurthy P.S, District Hanumakonda. Pincode 505476

...RESPONDENT/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. 1190 of 2023, on the file of the IV 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 C.C.No. 1190 of 2023, on the file of the IV Additional Judicial Magistrate of First Class at Hanumakonda., including appearance and attendance of the petitioners/Accused Nos.1 and 2, 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 Petitioner and Sri. Jithender Rao Veeramalla the Additional Public Prosecutor (TG) 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 HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.17919 of 2023

DATE OF ORDER:- 31.12.2025

Between:

Motam Veeraiah, S/o.Mahankali,
R/o.Karimnagar District & another

... Petitioners/Accused Nos.1 & 2

AND

The State of Telangana
rep. by its Public Prosecutor, High Court
of Telangana at Hyderabad & another.

... Respondents

ORDER:

1. This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking to quash the proceedings against the petitioners/accused Nos.1 & 2 in C.C.No.1190 of 2023, on the file of the learned V Additional Judicial Magistrate of First Class at Hanumakonda, registered for the offence punishable under Section 420 of IPC and Section 7 of Essential Commodities Act, 1955.

2. Heard Sri G.Raghu, learned counsel for the petitioners/accused Nos.1 & 2 as well as Sri J. tender Rao

Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1- State.

3. The specific allegation against the petitioners/accused Nos.1 & 2 is that they procured PDS Rice from the surrounding villagers at lowest price for selling the same for profit and on 07.01.2023 at 15:30 hours, the petitioners were found in possession of 16 plastic bags of PDS rice weighing about 8 Quintals.

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, charging the petitioners for prosecution is untenable and improper. The allegations leveled against the petitioners cannot be sustained. Further, this Court in Crl.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 herein are also entitled to the same relief and hence prayed to quash the proceedings against the petitioners.

5. The learned Additional Public Prosecutor has submitted that as per prosecution, the offences said to have been committed by the petitioners is cheating and violation of Sections 7 and 8 of the Essential Commodities Act, 1955 and hence requested to pass appropriate orders.

6. Perused the material available on record.

7. Sections 7 and 8 of the Essential Commodities Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities or abetment in this regard, is punishable. As per the prosecution, the petitioners herein had procured PDS rice from the beneficiaries after supply from the dealer.

8. A Coordinate Bench of this Court in Crl.P.No.1227 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 are 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, 2023 by applying the same analogy and to quash the proceedings against the petitioners herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners/accused Nos.1 & 2 in C.C.No.1190 of 2023, on the file of the learned IV Additional Judicial Magistrate of First Class at Hanumakonda, are hereby quashed.

11. Miscellaneous petitions pending, if any, shall stand closed.

Sd/- B.G.VYJAYANTHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

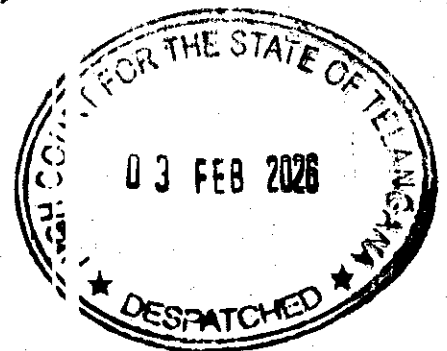
1. The Additional Judicial First Class Magistrate at Hanamkonda, Hanamkonda District.
2. The SHO Elkathurthy, Hanamkonda District.
3. One CC to SRI. GAJE RAGHU Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
5. Two CD Copies

Pk/PSL

HIGH COURT

DATED:31/12/2025

CRLP.No.17919 of 2025



ORDER

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