

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: 17910 OF 2025

Between:

1. Vadaviaya Irfan Bahi, S/o Ismail Bhai, age. 39 years, Occu. Lorry driver, R/o H.no4, Wankaner colony, Raja vadla village, Morbi district, Gujarath state, Mobile No.9429978688(driver)
2. Chavva Bhaskar, S/o Chavva Gopal, age. 49 years, Occu, Rice business, R/o H.no 17-1-391/11/49, Saraswathi nagar, Saidabad, Hyderabad, cell 9989718928 (rice supplier).

...PETITIONER/ACCUSED NOS. 1 & 2

AND

1. The State of Telangana, (S.H.O. Medchal Police station) Cyberabad. Rep. by Public Prosecutor, High of Judicature at Hyderabad
2. B.Sreepal, S/o not mentioned in FIR, Age. major, Occu, Deputy Tahasildar, O/o DSCO, Medchal Malkajgiri Mobile no.9160546555

...RESPONDENT/COMPLAINANTS

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 proceedings against the petitioners Nos 1 and 2 herein in FIR NO.937 of 2025, Dated.14-10-2025 on the file of S.HO. P.S. Medchal, Cyberabad.

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 stay all further proceedings against the of petitioners/accused nos 1 and 2 in FIR NO.937 of 2025, Dated.14-10-2025 on the file of S.HO. P.S. Medchal, Cyberabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri DASI RAMESH, 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.17910 of 2025

DATED : 31.12.2025

Between:

Vadaviaya Irfar Bahi and another.

... Petitioners

AND

The State of Telangana,
(S.H.O. Medchal Police Station),
Cyberabad, rep., by Public Prosecutor,
High Court of Judicature at Hyderabad and another

... Respondents

:: ORDER ::

This Criminal petition is filed by the petitioners/accused Nos.1 and 2, under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in FIR No.937 of 2025, on the file of the S.H.O. Medchal Police Station, Cyberabad, registered for the offences under Sections 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955.

2. Heard Sri Dasi Ramesh, 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 14.10.2025 at about 07.20 hrs, the petitioners were found in possession of 35 tones 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 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 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 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 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 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.937 of 2025 dated 14.10.2025, on the file of the S.H.O., Medchal Police Station, Cyberabad, against the petitioners-accused Nos.1 and 2, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

Sd/- U. SUDHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IX Additional Metropolitan Magistrate at Medchal, Medchal Malkajgiri District.
2. The S.H.O. Medchal Police station, Cyberabad Commissionerate, Medchal Malkajgiri District.
3. One CC to SRI. DASI RAMESH Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
5. Two CD Copies

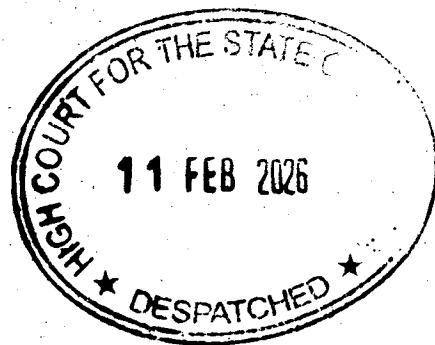
Pk/ba



HIGH COURT

DATED:31/12/2025

CRLP.No.17910 of 2025



CRIMINAL PEITITION IS ALLOWED.

⑧
22/01/26
V.K.