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APHC010088982023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 1440/2023

Between:

1. UNDAMATLA VENKATARAO, S/O SATYANARAYANA, AGED 35 YEARS, RIO UPPALAGUPTHAM VILLAGE AND MANDAL, WEST GODAVARI, A.P

...PETITIONER/ACCUSED

AND

1. NANNA SURESH, S/O MUTHAYYA, AGED 38 YEARS, GOVT.OFFICIAL GAZETTED, JANGAREDDIGUDEM MANDAL, WEST GODAVARI DISTRICT,A.P.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P., THROUGH S.H.O., J.R.GUDEM POLICE STATION.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 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 in the CC.No.1137/2022 on file of Honourable Judicial First-Class Magistrate Jangareddigudam, West Godavari and pass such

IA NO: 1 OF 2023

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased may be pleased to dispense the proceedings in the CC.No.1137/2022 on file of Honourable Judicial First-Class Magistrate Jangareddigudam, West Godavari and pass such

IA NO: 2 OF 2023

Petition under Section 482 of Cr.P.C and 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 in the CC.No.1137/2022 on file of Honourable Judicial First-Class Magistrate Jangareddigudam, West Godavari, pending disposal of the Criminal Petition and pass such

Counsel for the Petitioner/accused:

1. MULAKALA LAKSHMIGEET

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)
2.

The Court made the following:

HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No. 1440 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner/accused No.4 to quash the proceedings against him in C.C. No.1137 of 2022 on the file of the learned Judicial First Class Magistrate, Jangareddigudem for the offence punishable under Sections 379 read with 34 of the Indian Penal Code (hereinafter refer to the Code).

2. Case of the petitioner is, he had already sold the lorry bearing No.AP 37 X 0949 to accused No.1, he had no connection with, or knowledge of, the alleged transportation of PDS rice, absolutely there is no material against him, even as per the prosecution case refers to accused No.1 purchased the lorry from the petitioner, no specific overt act or role in the alleged theft or transportation of PDS rice is attributed to him. In support of his contention, he filed the sale agreement dated 26.06.2021 and Registration Certificate issued in the name of accused No.4.

3. The prosecution case, in brief, is that on 05.08.2021, upon credible information in respect of illegal transportation of PDS rice, while the Deputy Tahsildar (Civil Supplies), his staff and mediators, inspecting the vehicles, they found PDS rice in lorry bearing No. AP 37 X 0949 at the outskirts of Taduvai village, the driver of the lorry/accused No.1 confessed that he had purchased the lorry from the petitioner/A-4, they seized the stock and lorry, arrested the accused No.1. Initially, the crime was registered for the offences under Section 420 read with 34 of the Code and Section 7(1) of the Essential Commodities Act and after completion of investigation, the investigating officer laid charge sheet of the offence under Section 379 read with 34 of the Code.

4. Heard Sri Lakshmigeet, learned counsel for the petitioner and Smt.K.Priyanka Lakshmi, learned Assistant Public Prosecutor. Perused petition, charge sheet and other material available on record.

5. The point for consideration is whether the allegations in the charge sheet, taken at their face value along with the material relied upon by the prosecution, disclose a prima facie case against the petitioner so as to justify continuation of the criminal proceedings against him.

6. Section 379 IPC defines theft. To decide the present petition, it is sufficient to observe that the prosecution must produce material showing the petitioner's participation in the alleged dishonest taking of movable property, or facts from which such participation can reasonably be inferred. The mere fact that the petitioner was the previous owner of the vehicle, by itself, doesn't establish that he participated in the alleged offence. Likewise, the mere relationship of the petitioner with accused No.1 as seller of the lorry cannot automatically attract Section 34 of the Code in the absence of material suggesting a shared intention and participation in the criminal act.

7. Even as per the version of the prosecution accused No.1 had purchased the lorry from the petitioner and while he was transporting the PDS rice, he was caught red handed. Added to it, as seen from the agreement of sale and Registration Certificate produced by the petitioner, on 26.06.2021, accused No.1 agreed to purchase the lorry and the same is registered in the name of accused No.1. The date of the later registration entry does not, by itself, negate the earlier sale agreement or establish that the petitioner participated in, facilitated, or had knowledge of the alleged transportation of PDS rice. The question is not merely whose name appeared in the registration records on a particular date, but whether the prosecution material discloses the ingredients of the alleged offence against this petitioner.

8. The charge sheet, as presented, does not attribute to the petitioner any act of loading the PDS rice, arranging its transportation, accompanying the lorry, directing its destination, or otherwise participating in the alleged theft. Nor does it set out facts indicating that the petitioner shared a common intention with accused No.1 to commit the alleged offence. The allegation that the petitioner had previously owned and sold the lorry is insufficient to sustain the prosecution against him for the offence under Sections 379 read with 34 IPC.

9. It is settled that the inherent jurisdiction under Section 482 Cr.P.C. is to be exercised sparingly, particularly where disputed facts require appreciation of evidence. However, where the allegations and the prosecution material, even if accepted as they stand, do not disclose the essential ingredients of the alleged offence against a particular accused, continuation of the proceedings against that accused would serve no useful purpose and may amount to an abuse of the process of Court. On the facts presented in this case, the prosecution material does not disclose a sufficient prima facie basis to proceed against the petitioner/Accused No.4.

10. For the foregoing reasons, this Court is of the view that the proceedings in C.C. No.1137 of 2022, insofar as they relate to the petitioner/Accused No.4, are liable to be quashed. It is made clear that the observations in this order are confined to the petitioner and shall not affect the case against the other accused, which shall be considered by the trial Court independently on the evidence and in accordance with law.

11. **In the result**, this Criminal Petition is allowed, quashing the proceedings against the petitioner/accused No.4 alone in C.C. No.1137 of 2022 on the file of the learned Judicial First Class Magistrate, Jangareddigudem, of the offence under Section 379 read with 34 of the Code.

As a sequel thereto, pending miscellaneous petitions, if any, shall stand closed.

SUNITHA GANDHAM, J

30.10.2026
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HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No. 1440 OF 2023

Date:30.10.2026

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