APHC010582892026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9801 OF 2026

Between:

1. Athmakuri Jagadheesh, S/o. Vemkareswara Rao,aged about 26 years, D.No. 3-8269/1,Grain market, Gandhi Chowk, Jahirpura, Khammam III Town, Telangana.

2. Shaik Nagul Meera, S/o. jani mia,Aged about 42 years,R/o. Lingala village Vatshavaye mandal,Krishna District

...PETITIONER/ACCUSEDs

AND

1. The State of Andhra Pradesh, Through SHO Jangareddigudem Police Station,Rep. by Public Prosecutor, High Court of Andhra Pradesh at Amaravati

2. YVLakshmi Kumari, Civil Supply Deputy Tahsildar, Jangareddigudem Mandal,Eluru District

...RESPONDENT/COMPLAINANTs

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 call for the records and quash the proceedings in C.C.No.858/2023 on the file of Judicial First-Class Magistrate, Jangareddigudem as against the Petitioners/Accused No.1 and 2

IA NO: 1 OF 2026

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 grant stay of all further proceedings in C.C.No.858/2023 on the file of the Judicial First-Class Magistrate, Jangareddigudem, as against the Petitioners/Accused No.1 and 2

IA NO: 2 OF 2026

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 condone the delay of 8 days in re-presenting the above criminal petition, which was returned on 15-10-2026, filed under Section 528 of B.N.S.S. to quash the proceedings in CC.No.550/2023 on the file of the Hon'ble Judicial First Class Magistrate at Jangareddigudem

Counsel for the Petitioner/accused: P ADITYA HARSHA VARDHAN, PILLIX LAW FIRM

Counsel for the Respondent/complainants: PUBLIC PROSECUTOR

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The Court made the following Order:

The present Criminal Petition is filed seeking to quash the proceedings in C.C.No.858 of 2023 on the file of the Judicial First-Class Magistrate at Jangareddigudem.

2. The petitioners herein i.e., Accused Nos.1 and 2, are facing charges under Section 420 read with Section 34 of the Indian Penal Code, 1860 and Section 7(1) of the Essential Commodities Act, 1955 (for short "E.C. Act"). And Petitioner No.1 is the owner of the alleged P.D.S. Rice, Petitioner No. 2 is the owner-cum-driver of the lorry bearing No.AP29 V 3802.

3. It is case of the petitioners that on 20.06.2023 at 01.00 PM, the District Civil Supplies Officer, Eluru District, conducted vehicular checking at Vegavaram Village, Jangareddigudem Mandal, Eluru District and intercepted Ashok Leyland Lorry bearing No.AP29 V 3802, which was in transit from Jeelugumilli side towards Jangareddigudem and identified unauthorised transportation of 240 Qtls., of PDS and seized the same along with the above-mentioned lorry. Subsequently, the Vigilance and Enforcement Department filed a report before the Joint Collector & Additional District Magistrate, Eluru U/s 6A of E.C. Act, 1955, to initiate action against the petitioners.

4. The Joint Collector, after conducting a detailed enquiry and verifying the material documents available on record, passed an Order vide

Roc.No.CS1/253/ECA-124/2023 dated 03.08.2023, stating that the explanations of the petitioners examined, together with the connected records and observed that there is negligence on the part of the petitioners in not producing the bill and other documents to the inspecting officials during the inspection and ordered the confiscation of 10% of the seized rice stock or its equivalent value of Rs. 43,200/- in favour of the Government, and imposed a penalty of Rs.10,000/-.

5. Learned counsel for the petitioners submits that the Joint Collector in his Order dated 03.08.2023 did not give any adverse findings indicating that the petitioners were involved in illegal transportation of PDS rice or that they had purchased PDS rice, and therefore continuation of criminal proceedings in C.C.No.858 of 2023 on the same set of facts would amount to abuse of process of law.

6. He further drew to the attention of this Court to Criminal Petition No.7792 of 2013, dated 23.10.2019 which is having similar set of facts and circumstances, wherein the petitioners sought for quashing of offences under Section 420 read with Section 34 of the Indian Penal Code, 1860 and Section 7(1) of the Essential Commodities Act, 1955 (for short “E.C. Act”), on the main ground that after full-fledged enquiry conducted under the E.C Act, the District Collector had held that the charges framed against them were not sustainable, and ordered confiscation of 10% of seized stocks on the ground that ‘B’ Register was not updated. Learned Judge therein was pleased to allow the Criminal Petition, *inter alia,* accepting the contention that since the Collector had not

recorded any finding to the effect that the petitioners were engaged in the clandestine business of PDS rice, the continuation of criminal proceedings arising out of the same set of facts would amount to an abuse of the process of law, as laid down in ***State of Haryana vs. Ch. Bhajan Lal***[1].

7. On the other hand, learned Assistant Public Prosecutor fairly submits that there are no adverse findings in the Joint Collector Order dated 03.08.2023 indicating that the petitioners are involved in illegal transportation of PDS rice.

8. Coming to the case on hand, it is evident from the Order of the Joint Collector dated 03.08.2023 that the Joint Collector, after conducting a detailed enquiry, verifying the material on record and examining the petitioners' explanation, found that they are convincing but observed that there is negligence on the part of the petitioners in not producing the bill and other documents to the inspecting officials during the inspection. But there are no adverse findings indicating that the petitioners are involved in illegal transportation of PDS rice or that they had purchased PDS rice.

9. Under such circumstances, this Court finds merit in the submission made by the learned counsel for the petitioners that continuation of criminal proceedings would amount to abuse of the process of law in the absence of any findings and reasoning indicating that the petitioners are involved in clandestine business.

[1] AIR 1992 SC 604

10. In light of the above-referred decision and the conclusions arrived supra, proceedings against the petitioners in C.C.No.858 of 2023 are liable to be set aside.

11. Accordingly, the Criminal Petition is allowed, and the proceedings in C.C.No.858 of 2023 on the file of the Judicial First-Class Magistrate, Jangareddigudem, against the petitioners herein (A1 & A2) are hereby quashed.

As a sequel, interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 10.11.2026
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