

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX
PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA
CRIMINAL PETITION NO: 32 OF 2026

Between:

1. Salauddin Sayyed., S/o Chand Pasha Aged about 32 years, Occ Driver, R/o Sirpur Colony, Umnabad, Bidar, Karnataka.
2. Sudhakar Chimakurthi., S/o Radha Krishnamurthi, Aged about 53 years, Occ Business, R/o H.No.14-4-62, 23 Ward, Bapatla Town, Vinjamuri Vari Street, Bapatla. Guntur District, Andhra Pradesh.
3. Ashok Babu Bandlamudi., S/o Sambashiva Rao, Aged about 49 years, Occ Business, R/o H.No.135-2-30, Sri, Gayathri Elite, JKC College Road, Pattabhipuram, Guntur, Andhra Pradesh.

...PETITIONER/ACCUSED 1 to 3

AND

1. The State of Telangana., Rep by its Public Prosecutor. High Court for the State of Telangana Hyderabad.

...RESPONDENT

2. Shaik Javeed., S/o Bikkan, Aged about 47 years, Occ MRO. R/o Srinagar Colony -Hyderabad Road, Nalgonda Town

...RESPONDENT No.2/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 call for the records in CC No.39 of 2025 on the file of Honourable II Additional Judicial First Class Magistrate, Miryalguda and quash the same.

I.A. NO: 2 OF 2026

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 of all further proceedings against the petitioners in CC No.39 of 2025 on the file of II Additional Judicial First Class Magistrate, Miryalguda, pending disposal of the main criminal petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri CH RAVINDER ,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.32 of 2026

Date: 06.01.2026

Between:

Salauddin Sayyed and two others

...Petitioners/accused Nos.1 to 3

AND

The State of Telangana,
Represented by its Public Prosecutor,
High Court for the State of Telangana, 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 C.C.No.39 of 2025 on the file of the learned II Additional Judicial First Class Magistrate, Miryalguda, registered for the offence punishable under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955.

2. Heard Sri CH. Ravinder, 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 14.10.2024 at about 09:30 Hrs, the petitioners were found in possession of 245 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 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 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 C.C.No.39 of 2025 on the file of the learned II Additional Judicial First Class Magistrate, Miryalguda, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- B.G.VYJAYANTHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

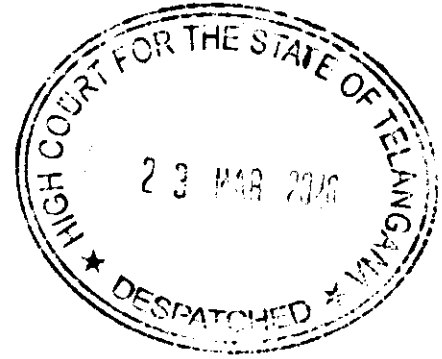
1. The II Additional Judicial First Class Magistrate, Miryalguda, Nalgonda District.
2. The SHO Wadapally Police Station, Nalgonda District.
3. One CC to SRI. CH RAVINDER Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
5. Two CD Copies

PK/PSL

HIGH COURT

DATED:06/01/2026

CRLP.No.32 of 2026



CRIMINAL PEITITION IS ALLOWED.

EmT
20/2/26