

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 222 OF 2026

Between:

B. Sudarshan Reddy, S/o. Shiva Reddy, Aged about 50 years, Occ. Business,
R/o. Laxmareddypally Village, Ghanpur Mandal, Mulug District.

...PETITIONER/ACCUSED NO. 1

AND

1. The State of Telangana,, Rep. by its Public Prosecutor. High Court of Telangana, Hyderabad.
2. Nenavath Krishna Naik, Head Constable No.1577, P.S. Hanamkonda, Warangal.

...RESPONDENTS

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 relating to the proceedings in C.C. No. 5654 of 2022 and the F.I.R. in Crime No. 79 of 2019 of Hanamkonda P.S. on the file of the Spl Judicial Magistrate of First Class (Mobile) under PCR Act - cum - II Addl. Junior Civil Judge, Hanumakonda, for the alleged offences punishable under Section 420 of the Indian Penal Code (IPC) and Section 7 of the Essential Commodities Act, 1955, quash the same in the interest of justice

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 all further proceedings in C.C. No. 5654 of 2022 and the F.I.R. in Crime No. 79 of 2019 of Hanamkonda P.S. on the file of the Spl Judicial Magistrate of First Class (Mobile) under PCR Act-cum-II Addl. Junior Civil Judge, Hanumakonda, for the alleged offences punishable under Section 420 of the Indian Penal Code (IPC) and Section 7 of the Essential Commodities Act, 1955, or any connected proceedings before the competent court 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 K. Vishnu Kanth, Advocate for the Petitioner and Sri. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No. 1 State 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.222 of 2026

DATE OF ORDER:- 09.01.2026

Between:

B.Sudarshan Reddy, S/o. Shiva Reddy,
R/o. Mulug District.

... Petitioner/Accused No.1

AND

The State of Telangana
rep. by its Public Prosecutor,
High Court 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 petitioner/accused No.1 in C.C.No.5654 of 2022, on the file of the learned Special Judicial Magistrate of First Class (Mobile) under PCR Act –cum- II Additional Junior Civil Judge, Hanumakonda, registered for the offences punishable under Section 420 of IPC and Section 7 of Essential Commodities Act, 1955.

2. Heard Sri K.Vishnu Kanth, learned counsel for the petitioner/accused No.1 as well as Sri Jitender Rao Veeramalla, the

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

3. The specific allegation against the petitioner is that he, along with other accused, used to procure PDS Rice from white ration card holders at lower price for selling the same at higher price and on 26.03.2019 at 19:30 hours, the petitioner & other accused were found in possession of 34 white plastic bags of PDS rice weighing about 35 Kgs.

4. Learned counsel for the petitioner 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 petitioner for prosecution is untenable and improper. The allegations leveled against the petitioner cannot be sustained. Further, this Court in Crl.P.Nos.5709 of 2019 and 13493 of 2015, while considering the same situation, categorically observed that the offences alleged against the petitioner therein cannot be continued and quashed the proceedings. The petitioner herein is also entitled to the same relief and hence prayed to quash the proceedings against the petitioner.

5. The learned Additional Public Prosecutor has submitted that as per prosecution, the offences said to have been committed by the petitioner 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 petitioner herein had 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 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 petitioner herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner/accused No.1 in C.C.No.5654 of 2022, on the file of the learned Special Judicial Magistrate of First Class (Mobile) under PCR Act -cum- II Additional Junior Civil Judge, Hanumakonda, are hereby quashed.

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

//TRUE COPY//

SD/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Judicial Magistrate of First Class (Mobile) under PCR Act-cum-II Addl. Junior Civil Judge, Hanumakonda,
2. The Station House Officer, Hanamkonda Police Station Warangal City.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT].
4. One CC to Sri. K. Vishnu Kanth, Advocate [OPUC]
5. Two CD Copies

PM/PSL

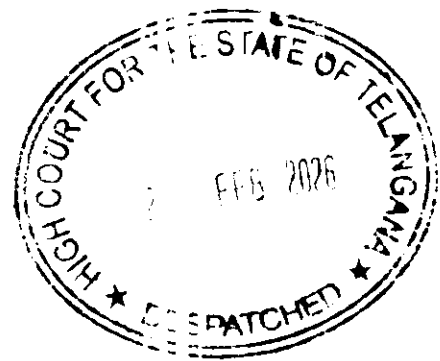
(Signature)

HIGH COURT

DATED:09/01/2026

ORDER

CRLP.No.222 of 2026



ALLOWING THE CRIMINAL PETITION

⑧
06/02/26
K-S