

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 449 OF 2026

Between:

Akula Krishnamurthy, S/ o. Uppalaiah, Age. 50 Years, Occ. Owner of Auto bearing No. TS 03 UA 1505, R/ o. H. No. 1-2032, Vadlakonda Village, Parvathagiri Mandal, Warangal District

...PETITIONER/ACCUSED

AND

1. The State of Telangana,, through S.H.O., P.S. Inavolu, Hanumakonda District, represented by Public Prosecutor, High Court at Hyderabad

...RESPONDENT

2. Sri. R.S. Sharma,, Age.59 Years, Occ.ASI-850, P.S. Inavolu, Hanumakonda District, Cell No. 8712685030

...RESPONDENT/DE-FACTO 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 quash the charge sheet in C.C. No.327 of 2025, on the file of the I Additional Judicial First Class Magistrate at Hanumakonda, Hanumakonda District, and to pass such other order or orders as this Hon'ble Court may deem fit and proper 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 of all further proceedings including appearance of the petitioner/Accused in C.C. No.327 of 2025, on the file of the I Additional Judicial First Class Magistrate at Hanumakonda, Hanumakonda District, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K.Venumadhav, Advocate for the Petitioner and of Sri Jitender Rao Veeramalla, Additional Public Prosecutor for the Respondent No.1 and none appeared for the Respondent/De-facto Complainant.

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.449 of 2026

DATE OF ORDER:- 20.01.2026

Between:

Akula Krishnamurthy,
R/o.Warangal District.

... Petitioner/Accused

AND

The State of Telangana through SHO, P.S.Inavolu,
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 in C.C.No.327 of 2025, on the file of the learned I Additional Judicial First Class Magistrate at Hanumakonda, Hanumakonda District, registered for the offence punishable under Section 318(4) of BNS, 2023 and Section 7 of Essential Commodities Act, 1955.

2. Heard Sri K.Venumadhav, learned counsel for the petitioner/accused 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 purchased PDS rice from ration card holders at lower price for selling the same at higher price and on 06.01.2025 at about 16:50 hours, the petitioner was found in possession of 10 bags of PDS rice weighing about 02 Quintals 50 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 Coördinate 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 in C.C.No.327 of 2025, on the file of the learned I Additional Judicial First Class Magistrate at Hanumakonda, Hanumakonda District, are hereby quashed.

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

SD/- SRINIVASA REDDY
ASS STANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Judicial First Class Magistrate at Hanumakonda, Hanumakonda District.
2. The Station House Officer, P.S. Inavolu, Hanumakonda District.
3. Sri. R.S. Sharma,, Age.59 Years, Occ.ASI-850, P.S. Inavolu, Hanumakonda District, Cell No. 8712685030
4. One CC to SRI. K VENUMADHAV Advocate [OPUC]
5. Two CC to Public Prosecutor, High Court at Hyderabad [OUT].
6. Two CD copies.

STB/PSL

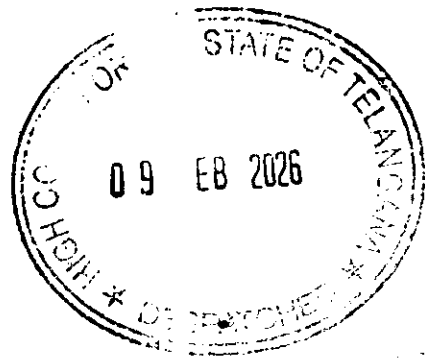


HIGH COURT

DATED:20/01/2026

ORDER

CRLP.No.449 of 2026



**CRIMINAL PETITION
IS ALLOWED**

⑨
03/02/26
K.B.