IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY THE TWENTY SEVENTH DAY OF JANUARY TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 777 OF 2026

Between:

1. Ekhar Khan, S/o. Mainu Khan, Age 31 years, Occ. Business, R/o. H.No.5-525/3, Argul Village, Jakranpally Mandal, Nizamabad District, Telangana State. N/o.H.No.3-79, Boregaon Village, Renjal Mandal, Nizamabad District.

...PETITIONER/ACCUSED

AND

1. The State of Telangana,, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana
2. Ravindhar, S/o. Surya, age.41 Years, Occ.Dy Tahasildar (CS),Jakranpally R/o.. Manikbandar Village, Makloor Mandal Kamareddy District, Telangana State

...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 quash the proceedings in CC No. 308 of 2022 on the file of the Principal Judicial Magistrate First Class at Armoor in so far as petitioner/ accused.

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 grant stay of all further proceedings against the petitioner/accused in CC No. 308 of 2022 on the file of the Principal Judicial Magistrate First Class at Armoor 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 ALLURI DIVAKAR REDDY ,Advocate for the Petitioner and Mr V Ramchandra reddy Additional Public Prosecutor on behalf of the Respondent No1. and none appear for the Respondent No2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.777 of 2026

Date: 27.01.2026

Between:

Ekhar Khan

...Petitioner

AND

The State of Telangana,
Rep. by the Public Prosecutor,
High Court at Hyderabad for the
State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.308 of 2022, on the file of learned Principal Judicial Magistrate First Class at Armoor, wherein the petitioner was arrayed as accused, for the offences punishable under Section 420 of the Indian Penal Code, 1860 (for short 'IPC') and Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr.A.Divakar Reddy, learned counsel for the petitioner and Mr.M.Ramachandra Reddy, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioner/accused is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 14.08.2022 at about 11:00 hours, the petitioner was found in possession of 15.60 quintals of PDS rice.

4. Learned counsel for the petitioner would 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 petitioner for prosecution is untenable and improper. The allegations, even taken at his face value cannot be sustained against the petitioner. Further, this Court, in Crl.R.C.Nos.5709 of 2019 and 3349 of 2015, while considering the same situation, categorically observed that the offences alleged against the petitioners therein could not be continued and accordingly quashed the proceedings. The petitioner is also entitled to the same relief and hence prayed to quash the proceedings against the petitioner.

5. The learned Additional Public Prosecutor submits that as per prosecution, the offences said to have been committed by the petitioner is cheating and violation of Section 7 of the EC Act and requested to pass appropriate orders.

6. Section 7 of the EC Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities, is punishable. As per the prosecution, the petitioner has procured PDS rice from the beneficiaries after supply from the dealer.

7. 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 petitioner 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 petitioner 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 petitioner is abuse of process of law".*

8. 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.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.308 of 2022, on the file of learned Principal

Judicial Magistrate First Class at Armoor, against the petitioner/accused, are hereby quashed.

Pending miscellaneous applications, if any shall stand closed.

Sd/- B. REKHA RANI
ASSISTANT REGISTRAR

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SECTION OFFICER

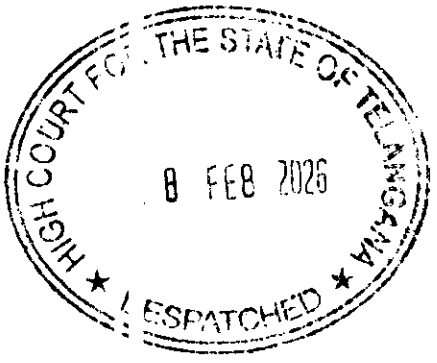
To,

1. The Principal Judicial Magistrate First Class at Armoor
2. The Station House Officer, Police Station Jakranpally , Circle Dichpally , Nizamabad District
3. One CC to SRI. ALLURI DIVAKAR REDDY Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR High court for the state of Telangana at Hyderbad [OUT]
5. Two CD Copies

AG

HIGH COURT

DATED:27/01/2026



ORDER

CRLP.No.777 of 2026

CRLP IS ALLOWED

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