

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

**FRIDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 2383 OF 2026

Between:

1. Ekkirala Prudhvi, S/o Venkateswarlu, 30Yrs, Occ.Driver cum owner of Ashok Leyalnd Trolly. No TSO4UA 5357, H.no 5-15-1,Batthulapalli Vilage, Khammam District,AP-507209.
2. Chityala Rama Kanaka Chary, S/o Satyanarayana chary, Age. 35Yrs, Occ.Business, R/o 3-72,Munukulla Village,Tiruvuru Mandal, Munukulla, Krishna District AP-521235
3. Pasumarthy Shashi Kumar alias Shashi, S/o Pasumarthy Rama Rao, Age .about 28Yrs Occ.Business, R/o H.no3-26/1,Chandrpatta Vilage of Kalluru mandal, Chandrupatla,Khammam,Telanagana-507209
4. Karukula Narasimha Rao, S/o Satyam, Age.about 40 Yrs, Munnurukapu, Hamali, R/o Chinna korukondi vilage of Kaluru Mandal, Khammam, AP,507209
5. Shaik Husain, S/o Mera Saheb, Occ.driver cum owner of Lorry No.AP16D0744, R/o Porumamila vilage and Mandal, YSR Kadapa Dist, AP.
6. Janyavula Sudhakar alias Srinu, S/o Chalapathirao, Age.34 yrs, Occ.Business, R/o HNo 3C-17-10/1, Padamara Veedhi, Kacheri chavidi, Eluru, Eluru,west Godavari Dist, Andhra Pradesh. 534001.

...Petitioners/Accused

AND

1. State of Telangana, Rep. By its Public Prosecutor High Court of Telangana at Hyderabad
2. Mr. Rathod Ravi Kumar, s/o Late Chandraiah, Age 37 years, Occ. Deputy Tahasildar, Civil Supplies Khammam Rural I/C Sathupali, R/o RoadNo-1,Sai Prabhat Nagar Pedda Thanda Colony, Khammam Rural.

...Respondent/Defacto Complainant

Petition under Section 482 of Cr.P.C 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 C.C. No. 366 of 2021 on the file of the court of the Additional First Class Judicial Magistrate at Sathupally against the petitioners/accused and to pass

I.A. NO: 2 OF 2026

Petition under Section 482 of Cr.P.C 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 including the appearance of the petitioner/accused in C.C. No. 366 of 2021 on the file of the court of the Additional Judicial First Class Magistrate at Sathupally, pending disposal of the above criminal petition, and pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C Vivekanand, Advocate for the Petitioner and the Sri Jithender Rao Veeramalla, Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and none appeared for Respondent No.2.

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.2383 of 2026

Date:20.02.2026

Between:

Ekkirala Prudhvi and 5 others

...Petitioners/Accused Nos.1 to 6

AND

State of Telangana,
Rep. by its Public Prosecutor,
High Court of Telangana
at Hyderabad and another.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.366 of 2021 pending on the file of the learned Additional Judicial First Class Magistrate, at Sathupally, wherein the petitioners were arrayed as accused Nos.1 to 6, for the offences punishable under Section 420 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 7 and 8 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr. C. Vivekanand, learned counsel appearing for the petitioners and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1.

3. The specific allegation against the petitioners/accused Nos.1 to 6 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for wrongful gain and that on 13.03.2021 at about 06.00 hours, the petitioners were found in possession of 120 bags of PDS rice containing 51.60 quintals.

4. Learned counsel for the petitioners submits 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, even taken at their face value cannot be sustained against the petitioners. Further, this Court, in Crl.P.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 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 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 in this regard is punishable. As per the prosecution, the petitioners have 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

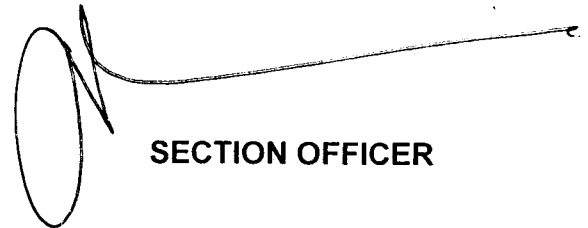
applying the same analogy and to quash the proceedings against the petitioners herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.366 of 2021 pending on the file of the learned Additional Judicial First Class Magistrate, at Sathupally, against the petitioners/accused Nos.1 to 6, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

**Sd/- N.CHANDRA SEKHAR
DEPUTY REGISTRAR**

//TRUE COPY//



SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate at Sathupally
2. The Station House Officer, Kalloor Police Station, Khammam District.
3. One CC to Sri C Vivekanand, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

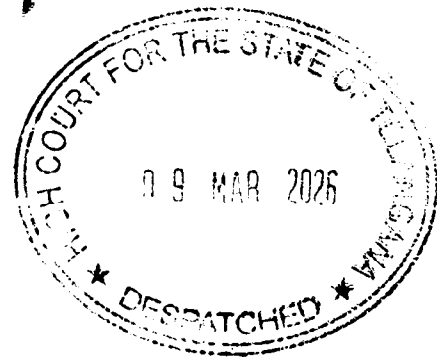

BA

HIGH COURT

DATED: 20/02/2026

ORDER

CRLP.No.2383 of 2026



ALLOWING THE CRIMINAL PETITION

QNT
6/3/26