

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

**THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION NO: 2243 OF 2026

Between:

1. Mekamalla @ Myakamalla Swarnakar, S/o. Narsaiah, Age. 29 Years, Occ. Driver, R/o. Mothkulagudem Village, Jammikunta Mandal, Karimnagar District.
2. Junugari @ Junegari Venatesh, S/o. Bangari, Age. 34 Years, Occ. Coolie, R/o. Ashoknagar, Sulthanabad, Peddapally District.
3. Thurpati Sailu @ Sai, S/o. Rajalingam, Age. 44 Years, Occ. Business, R/o. Jammikunta Mandal, Karimnagar District.

...Petitioner/Accused No's 1 to 3

AND

1. The State of Telangana through S.H.O. P.S. Kamalapur, Warangal Police Commissionerate, Represented by Public Prosecutor, High Court at Hyderabad.

...Respondent No. 1

2. R. Gopal Reddy, ASI- 725, P.S. Kamalapur, Hanumakonda District.

...Respondent No. 2/Defacto-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 For all the reasons stated above, this court may be pleased to quash the Charge sheet in C.C No. 2480 of 2024, on the file of IV Addl. Junior Civil Judge-Cum-IV Addl. Judicial Magistrate of First Class (Juvenile Court) at Hanumakonda, Hanumakonda District and to pass such other order or orders as this 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 in C.C No. 2480 of 2024, cr the file of IV Addl. Junior Civil Judge-Cum-IV Addl. Judicial Magistrate of First Class (Juvenile Court) at Hanumakonda, Hanumakonda District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms. Isha Mehra, Advocate for the Petitioner and the Mr. Jithender Rao Veeramala, Additional Public Prosecutor on behalf of the Respondent No.1 and of 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 HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.2243 of 2026

Date: 19.02.2026

Between:

Mekamalla @ Myakamalla Swarakar
and two others

...Petitioners

AND

The State of Telangana,
Through S.H.O., P.S. Kamalapur,
Warangal Police Commissionerate,
Represented by Public Prosecutor,
High Court at Hyderabad and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in C.C.No.2480 of 2024, on the file of the IV Additional Junior Civil Judge-cum-IV Additional Judicial Magistrate of First Class (Juvenile Court) at Hanumakonda, Hanumakonda District.

2. Heard Ms.Isha Mehra, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioners/accused Nos.1 to 3 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 06.09.2024, the petitioners were found in possession of 40 quintals of PDS rice.

4. Learned counsel for the petitioners 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 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 CrI.F.No.5709 of 2019, 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 offences said to have been committed by the petitioners is cheating and violation of Section 7 of the Essential Commodities Act, 1955 (for short '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 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 C.C.No.2480 of 2024, on the file of the IV Additional Junior Civil Judge-cum-IV Additional Judicial Magistrate of First

Class (Juvenile Court) at Hanumakonda, Hanumakonda District,
against the petitioners/accused Nos.1 to 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand
closed.

SD/- K.BHAVANI SWAMY
ASS STANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Addl. Junior Civil Judge-Cum-IV Addl. Judicial Magistrate of First Class (Juvenile Court) at Hanumakonda, Hanumakonda District.
2. The Station House Officer, P.S. Kamalapur, Warangal Police Commissionerate.
3. One CC to Ms. Isha Mehra, Advocate [OPUC]
4. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

DL/PSL

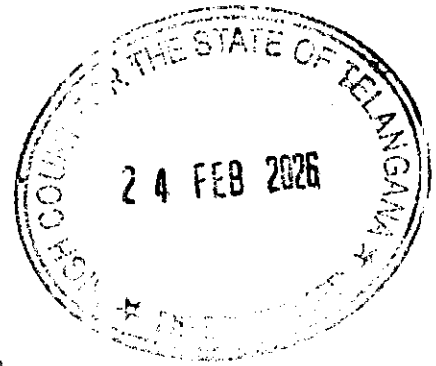
Jks

HIGH COURT

DATED: 19/02/2026

ORDER

CRLP.No.2243 of 2026



ALLOWING THE CRIMINAL PETITION

⑧ JKS
24/2/26