IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY SIXTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 2724 OF 2026

Between:

Yerrapati Laxman Goud, S/o. Gangadhar Goud, Aged 47 years, Occ: Business, R/o. H.No.1-2-492, Rakasipet, Bodhan Town and Mandal, Nizamabad District. Pincode. 503185

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad
2. G. Hanuman, Deputy Tahsildar Civil, Supply (enforcement), Bodhan, Nizamabad District. Pincode. 503185.

...RESPONDENTS/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 It is therefore prayed that this Hon'ble Court may be pleased to quash the impugned proceedings in F.I.R. No. 52 of 2026, on the file of the Bodhan Town Police Station, Nizamabad District, in so far as Petitioner/ Accused, is concerned.

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 It is further prayed that this Hon'ble Court may be pleased to grant interim stay of all further proceedings in F.I.R. No. 52 of 2026, on the file of the Bodhan Town Police Station, Nizamabad District., including appearance and attendance of the Petitioner/Accused, 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 Gaje Raghu, Advocate for the Petitioner and the 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.2724 of 2026

Date: 26.02.2026.

Between:

Yerrapati Laxman Goud

...Petitioner

AND

The 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 FIR No.52 of 2026 on the file of the Bodhan Town Police Station, Nizamabad District, wherein the petitioner was arrayed as accused for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr.G.Raghu, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioner is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 03.02.2026 at 10:00 hours, the petitioner was found in possession of 3.50 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 FIR No.52 of 2026 on the file of the Bodhan Town

Police Station, Nizamabad District, against the petitioner/accused, are hereby quashed.

Pending miscellaneous applications, if any shall stand closed.

SD/- C.DEEPIKA
ASSISTANT REGISTRAR

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SECTION OFFICER

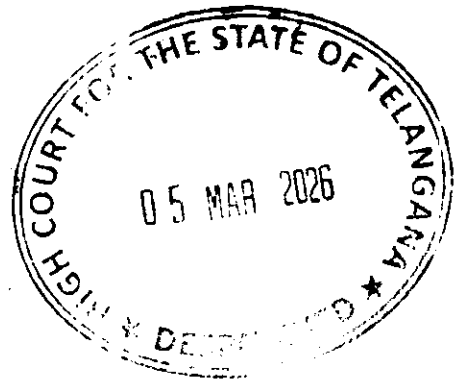
To

1. The Judicial First Class Magistrate at Bodhan.
2. The Station House Officer, Bodhan Town Police Station Nizamabad district.
3. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. Gaje Raghu, Advocate [OPUC]
5. Two CD Copies

Pr/PSL

HIGH COURT

DATED: 26/02/2026



ORDER

CRLP.No.2724 of 2026

ALLOWING THE CRL.PETITION

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