IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5795 OF 2026

Between:

Sri Akula Bharath Kumar, S/o Akula Veeresham, Aged about 30 years, Occ. FP Shop Dealer, R/o H.No.12-95/1, Nehru Nagar, Shadnagar, Farooqnagar Mandal, Ranga Reddy District.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad.
2. Deputy Tahsildar (Enforcement), Shadnagar Division, Ranga Reddy District

...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 quash the FIR No. 94/2026 on the file of Shadnagar Police Station, for the alleged offence under Section 7 of the Essential Commodities Act, 1955.

I.A. NO: 1 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, including the arrest of the Petitioner, in FIR No. 94/2026 on the file of Shadnagar Police Station, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K Venumadhav, representing Smt. Allampally Rupadevi, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent Nos.1 and 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.5795 of 2026

Date: 17.04.2026

Between:

Sri Akula Bharath Kumar

...Petitioner/accused

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition is filed seeking to quash the proceedings in F.I.R.No.94 of 2026 of Shadnagar Police Station, Ranga Reddy District, wherein, the petitioner was arrayed as accused for the offence punishable under Section 7 of the Essential Commodities Act, 1955 (for short 'EC' Act).

2. Heard Sri K. Venumadhav, learned counsel representing Smt. A. Rupa Devi, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned counsel for respondent Nos.1 and 2.

3. With the consent of both the learned counsel, this Criminal Petition is disposed of at the stage of admission.

4. Learned counsel for the petitioner submits that the petitioner has not committed the alleged offence and has been falsely implicated in the present case. Respondent No.2 without conducting proper enquiry filed the present complaint only on the ground that the petitioner, while discharging his duties as fair price shop dealer, kept excess stock in his shop and the said allegation does not attract the ingredients of the offence under Section 7 of the EC Act. The petitioner has not misappropriated or diverted the commodities. Hence, the continuation of proceedings against the petitioner is a clear abuse of process of law. He further submitted that the offence levelled against the petitioner is punishable with imprisonment of less than seven years. The Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***[1], is proceeding with the matter, which is contrary to law.

5. The learned Additional Public Prosecutor submitted that the Investigating Officer will strictly follow the due procedure contemplated under Section 35(3) of the BNSS, as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra).

[1] (2014) 8 SCC 273

6. Learned counsel for the petitioner submits that the petitioner will cooperate with the investigation.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record it reveals that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer wants to follow the procedure as contemplated under Section 35(3) of the BNSS, as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra).

8. In view of the above, the Investigating Officer is directed to follow the procedure as contemplated under the provisions of the BNSS, 2023. It is needless to mention that the petitioner shall cooperate with the investigation.

9. Accordingly, the criminal petition is disposed of

Pending miscellaneous applications, if any, shall stand closed.

SD/- K BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

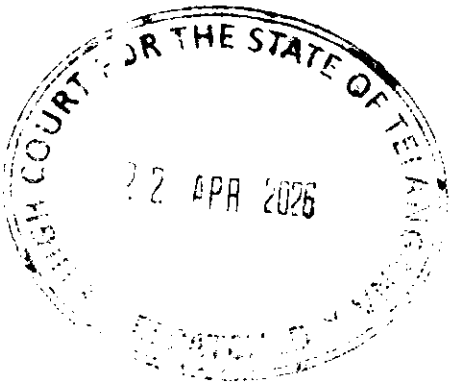
1. The Additional Judicial First Class Magistrate, Shadnagar
2. The Station House Officer, Shadnagar Police Station, Future City
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Smt. Allampally Rupadevi, Advocate [OPUC]
5. Two CD Copies

HIGH COURT

DATED: 17/04/2026

ORDER

CRLP.No.5795 of 2026



DISPOSING OF THE CRIMINAL PETITION

(8) NT
22/4/26