IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6007 OF 2026

BETWEEN:

Sameer Khan, S/o. Anwar Khan, Age. XX years, Occ. Driver, R/o. H.No.1-70/30, Perkit village, Armoor 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. G. Vinod, S/o. Not Known, Occ. Govt Official Non Gazetted, R/o. Armoor, Nizamabad District, Telangana State.

...Respondents

Petition under Section 528 of B.N.S.S 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 FIR No. 207 of 2026 on the file of the SHO, P.S. Armoor, Nizamabad District in so far as petitioner / Accused.

I.A. NO: 2 OF 2026

Petition under Section 528 of B.N.S.S 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 FIR No. 207 of 2026 on the file of the SHO, P.S. Armoor, Nizamabad District 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 A.Divakar Reddy, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1 and 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.6007 of 2026

Date: 21.04.2026

Between:

Sameer Khan

...Petitioner

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.207 of 2026 of Armoor 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-A of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr.A.Divakar Reddy, 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/accused is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 13.04.2026, the petitioner was found in possession of 25.45 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.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 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.207 of 2026 of Armoor Police Station,

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

Pending miscellaneous applications, if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

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SECTION OFFICER

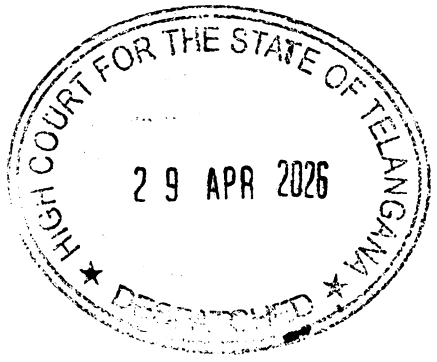
To,

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

GNK/KA

HIGH COURT

DATED: 21/04/2026



ORDER

CRLP.No.6007 of 2026

ALLOWING THE CRIMINAL PETITION

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