IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6233 OF 2026

Between:

1. Pothuganti Srinivas, S/o Venkateshwarlu, Aged about 52 years, Occ: Business, R/o H.No.1-393, Near ZPGHS, Miryalguda Town, Nalgonda District.
2. Macha Suman, S/o Somaiah, Aged about 31 years, Occ: Driver, R/o Mulkalkalva Village, Miryalguda Mandal, Nalgonda District.
3. Pagadala Yesobu, S/o Venkataiah, Aged about 29 years, Occ: Coolie, R/o Mulkalkalwa Village, Miryalguda Mandal, Nalgonda District.
4. Nukapanga Raghu, S/o Mallaiah, Aged about 28 years, Occ: Coolie, R/o Mulkalkalwa Village, Miryalguda Mandal, Nalgonda District.
5. Ram Sravan Kumar, S/o Saidulu, Aged about 26 years, Occ: Student, R/o Mulkalkalwa Village, Miryalguda Mandal, Nalgonda District.
6. Gundeboina Raju, S/o Somaiah. Aged about 33 years, Occ: Coolie, R/o Mulkalkalwa Village, Miryalguda Mandal, Nalgonda District.
7. Ketavath Ramulu, S/o Raanya, Aged about 50 years, Occ: Agriculture, R/o Hatya Thanda Village. Miryalguda Mandal, Nalgonda District.
8. Kethavath Malu, S/o Bodiya, Aged about 45years, Occ: Agriculture, R/o Kethavath Thanda, Damercherla Mandal, Nalgonda District.
9. Kethavath Shanthi, W/o Chandru, Aged about 50 years, Occ: Agriculture, R/o Kethavath Thanda, Damercherla Mandal, Nalgonda.

...Petitioners/A-1 To A-5

AND

1. The State of Telanaana,, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad.

...Respondent

2. Sri. Veerjala Laxman Babu, S/o Ramulu, Aged about 43 years, Occ: Nayab Tahsildar (Civil Supplies), Miryalguda, R/o H.No.3-10-62/1, Near Rapolu Temple, Suryapet Town.

...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 call for the records in CC No.493 of 2020 on the file of II Additional Judicial First Class Magistrate at Miryalguda and quash the same.

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 including appearance of the petitioners in CC No.493 of 2020 on the file of II Additional Judicial First Class Magistrate at Miryalguda 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 CH Ravinder, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, the 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.6233 of 2026

Date: 22.04.2026

Between:

Pothuganti Srinivas and eight others

...Petitioners

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 9 seeking to quash the proceedings in C.C.No.493 of 2020 on the file of the II Additional Judicial First Class Magistrate at Miryalaguda.

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

3. The specific allegation against the petitioners/accused Nos.1 to 9 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 13.03.2020, the

petitioners were found in possession of 42 bags of PDS rice totalling 41 quintals.

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 Crl.P.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 in C.C.No.493 of 2020 on the file of the II Additional Judicial First Class Magistrate at Miryalaguda, against the petitioners/accused Nos.1 to 9, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

Sd/-P.C. SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

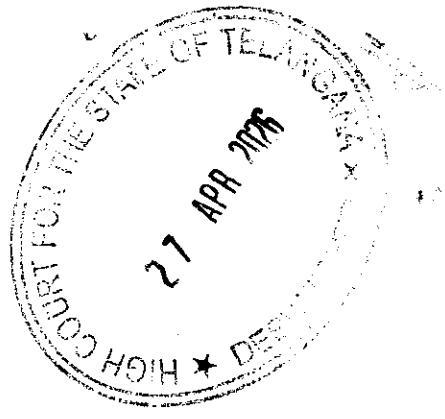
To,

1. The II Additional Judicial First Class Magistrate at Miryalguda.
2. The Station House Officer, Miryalaguda Rural Police Station, Nalgonda.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri CH Ravinder, Advocate [OPUC]
5. Two CD Copies

Sa/VH

HIGH COURT

DATED: 22/04/2026



ORDER

CRLP.No.6233 of 2026

ALLOWING THE CRIMINAL PETITION

8 copies
Kg
25/4/26