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

MONDAY, THE TWENTY SEVENTH DAY OF APRIL TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 6377 OF 2026**

**Between:**

1. Shaik Saleem,, S/o Qasim, Age. 31yrs, Oc. Kirana shop. R/o Chilkurilaxminagar, Adilabad, Adilabad District.
2. Md Khuram,, S/o. MD Aslam, Age. 20yrs, Occ. Auto driver, R/o Chilkurilaxminagar, Adilabad, Adilabad District.

**...PETITIONER/ACCUSEDS**

**AND**

1. The State of Telangana,, rep.by Public Prosecutor, High Court for the
2. Syed Mujahid,, C/o. Not Known, Age. Major, Occ.Police officer, R/o.Adilabad Rural P.S. Adilabad District 504001

**...RESPONDENT/COMPLAINANTS**

Petition under Section 437/438/439/482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased topleased to quash the C.C.vide No. 709 of 2024 on the file of Hon'ble Spl. Judicial First Class Magistrate at Adilabad against the petitioner/Accused No. 1 & 2 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**I.A. NO: 1 OF 2026**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with the filing of the certified copy of C.C.vide No. 709 of 2024 on the file of Hon'ble Spl. Judicial First Class Magistrate at Adilabad and to pass such other order

**I.A. NO: 2 OF 2026**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased pleased to grant stay of all further proceedings in C.C.vide No. 709 of 2024 on the file of Hon'ble Spl. Judicial First Class Magistrate at Adilabad including the appearance of the petitioners, pending disposal of the above Criminal petition and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SOMA RAVI KIRAN REDDY , Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No. and of Sri_Advocate for the Respondent No.

**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.6377 of 2026**

**Date: 27.04.2026**

Between:

Shaik Saleem and another

...Petitioners

AND

The State of Telangana, and another

...Respondents

**ORDER**

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in C.C.No.709 of 2024, on the file of the Special Judicial First Class Magistrate at Adilabad.

2. Heard Mr.S.Ravi Kiran Reddy, 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 and 2 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 05.07.2024, the

petitioners were found in possession of 14 bags of PDS rice totalling 5.60 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.709 of 2024, on the file of the Special Judicial First Class Magistrate at Adilabad, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

**SD/- K.BHAVANI SWAMY**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

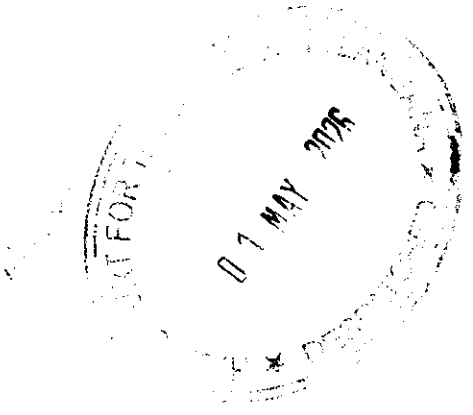
1. The State of Telangana,, rep.by Public Prosecutor, High Court for the
2. Syed Mujahid,, C/o. Not Known, Age. Major, Occ.Police officer, R/o.Adilabad Rural P.S. Adilabad District 504001
3. One CC to SRI. SOMA RAVI KIRAN REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

KA

CC - TODAY

**HIGH COURT**

**DATED: 27/04/2026**




**ORDER**

**CRLP.No.6377 of 2026**

**PARTLY ALLOWING THE APPEAL/DISMISSING/DISPOSING/CLOSING**

(8) copies
pvc
01/05/2026