IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY SIXTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO: 10687 OF 2026

Between:

1. Shaik Taher, S/o. Shaik Fayaz, Age: 37 years, Occ: Business, R/o. Sofinagar Colony, Nirmal Town and Mandal, Nirmal District, Telangana State.
2. Shaik Aslam, S/o. Shabbir, Age. 28 years, Occ. Driver, R/o. Ashmi Colony, Nizamabad Town and Mandal, Nizamabad District, Telangana State.
3. Shaik Rafeeq, S/o. Shaik Anwar, Age.29 years, Occ. Driver, R/o. Asad baba Nagar, Nizamabad Town and Mandal, Nizamabad District, Telangana State.

...Petitioners/Accused No.1 to 3

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana
2. State Police, through D.Jyothimani, WP Sub Inspector of Police, P.S.Soan Nirmal District, Telangana State.

...Respondents

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 proceedings in CC No. 598 of 2021 on the file of the Principal Judicial Magistrate of First Class at Nirmal in so far as petitioner.

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 grant stay of all further proceedings against the petitioners /Accused No. 1 to 3 in CC No. 598 of 2021 on the file of the Principal Judicial Magistrate of First Class at Nirmal 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 Mr. A. Divakar Reddy, Advocate for the Petitioners and Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondents.

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.10687 of 2026
(CNR No. HBHC010446772026)

Date: 26.10.2026

Between:

Shaik Taher and two others.

...Petitioners/Accused Nos.1 to 3

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in C.C.No.598 of 2021 on the file of the Principal Judicial Magistrate of First Class at Nirmal, for the offences punishable under Section 420 r/w 34 of the Indian Penal Code, 1860 (for short, 'the IPC') and Section 7 of the Essential Commodities Act, 1955 (for short 'the E.C. Act').

2. Heard Mr. A.Divakar Reddy, learned counsel for the petitioners, and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondents.

3. The specific allegation against the petitioners/accused Nos.1 to 3 is that they had procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 26.08.2021 at about 19-30 hours, the petitioners were found in possession of 75.00 quintals of PDS rice.

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 offence said to have been committed by the petitioners is cheating and violation of Section 7 of the E.C. Act and requested to pass appropriate orders.

6. Section 7 of the E.C. Act contemplates 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.598 of 2021 on the file of the Principal

Judicial Magistrate of First Class at Nirmal, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

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

KAM/GNK

PMC.

HIGH COURT

DATED: 26/10/2026

ORDER

CRLP.No.10687 of 2026



ALLOWING THE CRIMINAL PETITION

8 PMG
31/10/26.