IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16419 OF 2026

Between:

Veeramalla Ramesh, S/o Alvaiah, age 45 Years, Occ: Business R/o Nampally Nalgonda District.

...PETITIONER/ACCUSED

AND

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

...RESPONDENT

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 CC No.1032 of 2025 on the file of on the file of the Additional Judicial Magistrate of First Class at Devarakonda in the interest of justice.

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 all further proceedings in CC No.1032 of 2025 on the file of on the file of the Additional Judicial Magistrate of First Class at Devarakonda pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Bethepu Dileep Kumar, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent.

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.16419 of 2026

CNR No. : HBHC010684432026
Date: 06.10.2026

Between:
Veeramalla Ramesh

...Petitioner

AND

The State of Telangana

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused seeking to quash the proceedings in C.C.No.1032 of 2025 on the file of the learned Additional Judicial First Class Magistrate, at Devarakonda.

2. Heard Mr.Dileep Kumar, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent.

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 16.09.2024, the petitioner was found in possession of 12 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.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 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 C.C.No.1032 of 2025 on the file of the learned Additional Judicial First Class Magistrate, at Devarakonda, against the petitioner accused, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K. VANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial Magistrate of First Class at Devarakonda
2. The Station House Officer, Nampally Police Station, Nalgonda
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]

4. One CC to Sri Bethepu Dileep Kumar, Advocate [OPUC]
5. Two CD Copies

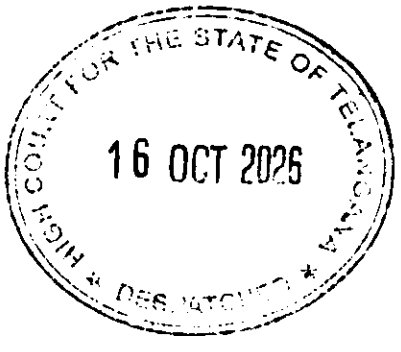
ABK/GNK

HIGH COURT

DATED: 06/10/2026

ORDER

CRLP.No.16419 of 2026



ALLOWING THE CRIMINAL PETITION

8 copies
15.10.26