IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16698 OF 2026

Between:

1. Bairipogu Swamy Das, S/o. Harijana Bairipogu Sudhakar, Age. 30 years, Occ. Driver, R/o. Ho. No.3-89, Yapadine Village, Ieeja Mandal, Jogulamba Gadwal District.
2. Vadde Gopi Chandu @ Dhasu, S/o. Vadde Hanumanthu, Age. 28 years, Caste. Vadde, Occ. Driving and Agriculture, R/o. Ho. No.2-87, Kankala Village, Waddepally Mandal, Jogulamba Gadwal District.

...Petitioner/A1 & 2

AND

The State of Telangana, rep. by its Public Prosecutor, High Court of Telangana at Hyderabad, Through The SHO Shanthi Nagar Police Station, Jogulamba Gadwal.

...Respondent/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 quash the proceedings in CC No. 64 Of 2026 on the file of the Court of Judicial First Class Magistrate at Alampur, against the Petitioners/A1 and 2.

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 against the petitioners/ A1 and A2 in CC No. 64 of 2026 on the file the Court of Judicial First Class Magistrate at Alampur, Jogulamba Gadwal District including dispense with the appearance of the petitioner till disposal of the Main Quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G Chandrashekar, Advocate for the Petitioner and the Mr. 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.16698 of 2026
CNR No.HBHC010686502026

Date: 09.10.2026.

Between:

Bairipogu Swamy Das and another

...Petitioners

AND

The State of Telangana

...Respondent

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in C.C.No.64 of 2026, on the file of the Judicial First Class Magistrate, Alampur.

2. Heard Mr.G.Chandrashekar, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent.

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 14.01.2026, the petitioners were found in possession of 21.60 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 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.64 of 2026, on the file of the Judicial First Class Magistrate, Alampur, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- L. USHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Alampur.
2. The Station House Officer, Shanthi Nagar Police Station, Jogulamba Gadwal District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri. G Chandrashekar, Advocate [OPUC]
5. Two CD Copies

DL/GNK

HIGH COURT

DATED: 09/10/2026



ORDER

CRLP.No.16698 of 2026

ALLOWING THE CRIMINAL PETITION

8 copies
15.10.26