IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16391 OF 2026

Between:

Bhukya Ramchandu @ Chandu @ Ramachandru, S/o. Jama, Aged 32 years, Occ. Business, R/o. H.No. 6-79, Venkatramthanda, Kesamudram Mandal, Mahabubabad District. Pincode. 506112.

...PETITIONER/ACCUSED No.2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, Iligh Court of Telangana, at Hyderabad
2. P. Shankar, HC-1977, PS Nellikudur, Mahabubabad District. Pincode. 506368

...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 quash the impugned proceedings in C.C.No.222 of 2026, on the file of the Additional Judicial Magistrate of First Class at Mahabubabad, in so far as Petitioner/Accused No. 2, is concerned.

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 pleased to grant interim stay of all further proceedings in C.C.No. 222 of 2026, on the file of the Additional Judicial Magistrate of First Class at Mahabubabad., including appearance and attendance of the Petitioner/Accused No. 2, 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 GAJE RAGHU , Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.16391 of 2026
(CNR No. HBHC010687892026)

Date: 12.10.2026

Between:

Bhukya Ramchandu @ Chandu @ Ramachandru
...Petitioner/Accused No.2

AND

The State of Telangana and another
...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.2 seeking to quash the proceedings in C.C.No.222 of 2026 on the file of the Additional Judicial Magistrate of First Class at Mahabubabad, for the offences punishable under Section 420 of IPC, Section 7(a) of the Essential Commodities Act, 1955 (for short 'the E.C. Act') and Section 34(E) of the Andhra Pradesh Excise Act, 1968.

2. Heard Mr.Gaje Raghu, learned counsel for the petitioner, and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondents.

3. The specific allegation against the petitioner/accused No.2 is that he along with other accused had procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 22.12.2019 at about 3-00 noon, the petitioner and other accused were found in possession of 90 bags consisting 45.00 quintals of PDS rice, 15 bags of black jiggery each bag weighing 50 kgs, total 7.5 quintals and 13 bags of Alum each bag weighing 50 kgs, total 6.5 quintals of alum.

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 their 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 petitioner 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 offence said to have been committed by the petitioner 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 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. Insofar as the allegation against the petitioner that he along with other accused were found in possession of 15 bags of black jaggery each bag weighing 50 kgs, total 7.5 quintals and 13 bags of Alum each bag weighing 50 kgs, total 6.5 quintals of alum, learned counsel for the petitioners submitted that the issue raised in this criminal petition is squarely covered by the orders passed by this Court in Crl.P.No.15636 of 2013, dated 04.03.2022 and in Crl.P.No.7562 of 2025 dated 24.06.2025.

10. Learned Additional Public Prosecutor has not opposed the submission made by the learned counsel for petitioner.

11. Taking into consideration the submissions made by the respective parties and the orders passed by this Court in Crl.P.No.15636 of 2013, dated 04.03.2022, and in Crl.P.No.7562 of 2025, dated 24.06.2025, the proceedings against the petitioner/accused No.2 in C.C.No.222 of 2026 on the file of the Additional Judicial Magistrate of First Class at Mahabubabad, are liable to be quashed.

12. Taking into consideration the submissions made by the respective parties and in view of the orders passed by this Court in Crl.P.No.15636 of 2013, dated 04.03.2022, and in Crl.P.No.7562 of 2025, dated 24.06.2025, the proceedings in C.C.No.222 of 2026 on the file of the Additional Judicial Magistrate of First Class at Mahabubabad, against the petitioner/accused No.2, are hereby quashed.

13. Accordingly, this criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- M. OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial Magistrate of First Class at Mahabubabad
2. The Judicial First Class Magistrate at Thorrur
3. The Station House Officer, Nellikudur Police Station, Mahabubabad
4. One CC to SRI. GAJE RAGHU Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

ADK/ABK

HIGH COURT

DATED: 12/10/2026

ORDER

CRLP.No.16391 of 2026



ALLOWING THE CRLP

(B)
Y.VG
17/10/26