IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SEVENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16521 OF 2026

Between:

V.P.Mohammad Arshad, S/o.Mohammad Farooq Ahmed, Aged about 21 years, Occ. Business, R/o.5-8-38, Jhaniya Mohalla, Netaji Nagar, VTC. Raichur, P.O. Raichur, Raichur District, Karnataka State.

...PETITIONER/ACCUSED No. 3

AND

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

...RESPONDENT

2. Challa Sravanthi, D/o Raji Reddy, DT (CS), Mancherial, O/o. DCSO, Mancherial.

...2nd RESPONDENT/DEFACTO 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 Crime. No. 169 of 2026 on the file of P.S.CCC Naspur, Mancherial District against the petitioner, in the interest of Justice. Pending disposal of the quash petition.

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 including appearance of the Petitioner/Accused in Crime. No. 169 of 2026 on the file of the P.S.CCC Naspur, Mancherial District pending disposal of the Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Somavarapu Satyanarayana, Advocate for the Petitioner and 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.16521 of 2026
CNR.No. HBHC010691302026
Date: 07.10.2026

Between:

V.P.Mohammad Arshad

...Petitioner

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.3 seeking to quash the proceedings in FIR No.169 of 2026 of CCC Nagpur Police Station, Ramagundam District, for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955.

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

3. The specific allegation against the petitioner that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 10.07.2026, the petitioner was found in possession of 278.40 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 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 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 FIR No.169 of 2026 of CCC Nagpur Police Station, Ramagundam District, against the petitioner/accused No.3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Judicial Magistrate of First Class at Mancherial
2. The Station House Officer, City Civil Court Narsapur Police Station, Ramagundam.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Somavarapu Satyanarayana, Advocate [OPUC]
5. Two CD Copies

VH/BA

HIGH COURT

DATED: 07/10/2026



ORDER

CRLP.No.16521 of 2026

ALLOWING THE

CRIMINAL PETITION

(8)
ORR
16-10-26.