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: 16532 OF 2026

Between:

1. Mohammed Abdul Latheef, S/o. Abdul Majeed, Aged 52 years, Occ: Business, R/o. H.No. 9-20-182/1B, Malapally, Nizamabad Town and District. Pincode. 503001.
2. Jaani Pasha @ Syed Janibasha, S/o. Aamer @ Ameer, Aged 54 years, Occ: Driver, R/o. H.No. 4-77/1, Janakampet Village, Yedapally Mandal, Nizamabad District. Pincode. 503186.

...Petitioners/Accused Nos. 1 and 2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad
2. Sri. P. Nikhil Raj, Deputy Tahsildar (CS), Nizamabad Town and District. Pincode. 503001.

...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 F.I.R. No. 341 of 2026, on the file of the Nizamabad I TN Police Station, Nizamabad District, in so far as Petitioners/ Accused Nos. 1 and 2, are 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 to grant interim stay of all further proceedings in F.I.R. No. 341 of 2026, on the file of the Nizamabad I TN Police Station, Nizamabad District., including appearance and attendance of the Petitioners/Accused Nos. I and 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 Petitioners and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the Respondent Nos. 1 and 2.

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 16532 of 2026
(CNR No. HBHC010692292026)

DATE: 26.10.2026

Between :

Mohammed Abdul Latheef and another

....Petitioners/Accused Nos.1 and 2

AND

The State of Telangana and another

....Respondents

: O R D E R :

This Criminal Petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in F.I.R.No.341 of 2026 of Nizamabad I Town Police Station, Nizamabad District, registered for the offences under Section 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS') and Section 17(e) of the Telangana State Public Distribution System (Control) Order, 2016 (for short, 'Control Order').

2. Heard Mr. G. Raghu, learned counsel for the petitioners, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent Nos.1 and 2.

3. Learned counsel for the petitioners submitted that the petitioners have not committed the offences and have been falsely implicated in the present crime. Even according to the allegations levelled in the complaint, the ingredients of the offences under Section 318(4) of the BNS and Section 7(e) of the Control Order are not attracted. Even according to the panchanama conducted by the Investigating Officer, the alleged PDS rice of 99.60 quintals was purchased from the cardholders.

3.1. He further submitted 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 on their face value cannot be sustained against the petitioners. Further, this Court in Crl.P.No.5709 of 2019 and 3349 of 2015, while considering the same situation, categorically observed that the offences alleged against the petitioner therein cannot be continued and quashed the proceedings. The petitioners are also entitled to the same relief and, hence, prayed to quash the proceedings against the petitioners.

4. The learned Assistant Public Prosecutor submitted that as per prosecution, the offence said to have been committed by the petitioners is cheating and in violation of Section 17(e) of the Control Order and requested to pass appropriate orders.

5. 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".

6. 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.

7. Accordingly, the Criminal Petition is allowed and the proceedings in F.I.R.No.341 of 2026 of Nizamabad I Town Police Station, Nizamabad District, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Miscellaneous applications, pending if any, shall stand closed.

SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Judicial First Class Magistrate at Nizamabad.
2. The Station House Officer, Nizamabad I TN Police Station, Nizamabad District.

PTO

3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Gaje Raghu, Advocate [OPUC]
5. Two CD Copies

Sa/GNK

Pmc.

HIGH COURT

DATED: 26/10/2026

ORDER

CRLP.No.16532 of 2026



ALLOWING THE CRIMINAL PETITION

SPMG.
31/10/26.