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: 16520 of 2026

Between:

1. Shaik Arif, S/o. Abdul Gafar, Aged 27 years, Occ. Driver, R/o. H.No. 7-14-538, Islampura, Nizamabad Town and District. Pincode. 503001.
2. Mohammed Majid Ali, S/o. Mohammed Ali, Aged 45 years, Occ. Business, R/o. H.No. 1-8-59, Phulong, Nizamabad Town and District. Pincode. 503001.

...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.324 of 2026, on the file of the Nizamabad IV 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. 324 of 2026, on the file of the Nizamabad IV TN Police Station, Nizamabad District., including appearance and attendance of the Petitioners/ Accused Nos. 1 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, Additional 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.16520 of 2026
CNR.No. HBHC010692682026
Date: 07.10.2026

Between:

Shaik Arif and another

...Petitioners

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in FIR No.324 of 2024 of Nizamabad IV Town Police Station, Nizamabad District for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS'), Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act') and Section 17(e) of the Telangana State Public Distribution System (Control) Order, 2016.

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

3. The specific allegation against the petitioners is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 02.09.2020, the petitioners were found in possession of 21 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 FIR No.324 of 2024 of Nizamabad IV Town Police Station, Nizamabad District, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- B REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judicial First Class (Mobile) Magistrate, Nizamabad
2. The Station House Officer, Nizamabad IV TN Police Station, Nizamabad
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

ABK

HIGH COURT

DATED: 07/10/2026



ORDER

CRLP.No.16520 of 2026

ALLOWING THE CRIMINAL PETITION

(8)
17/10/26
K.K