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: 16493 OF 2026

Between:

1. Puttabanthi Yellaiah, S/o Janaiah Age 36 yrs Occu: Driver R/o Thammara V Kodad M Suryapet Dist
2. Jilla Kiran, S/o Ramulu Age 35 Yrs Occu: Driver R/o Akupamula V Mungala M Suryapet

...PETITIONERS/ACCUSED No.1 & 2

AND

1. The State of Telangana, rep by the public Prosecutor High Court of Telangana Hyderabad
2. Sri G Ashok, SI of Police PS Nelakondapally Khammam Dist, Telangana.

...RESPONDENTS

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 102 of 2021 on the file the Court of Addl Judicial First Class Magistrate Spl Mobile at Khammam Khammam District against the Petitioner/Accused.

I.A. NO: 1 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 against the petitioner/Accused in CC No 102 of 2021 on the file the Court Of Addl Judicial First Class Magistrate Spl Mobile at Khammam Khammam District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Gudisa Anil Kumar, Advocate for the Petitioners and of Sri. Jithender Rao Veeramalla, the 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.16493 of 2026
CNR.No. HBHC010693062026
Date: 07.10.2026

Between:

Puttabanthi Yellaiah 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 C.C.No.102 of 2021 on the file of the Judicial First Class Magistrate (SPL MOBILE) at Khammam.

2. Heard Mr.G.Anil Kumar, 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 09.07.2020, the petitioners were found in possession of 4300 kgs 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.102 of 2021 on the file of the Judicial First

Class Magistrate (SPL MOBILE) at Khammam, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/-L VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Judicial First Class Magistrate (Spl Mobile) at Khammam.
2. The Station House Officer, Nelakondapally Police Station. Khammam District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. Gudisa Anil Kumar, Advocate [OPUC]
5. Two CD Copies

Pr/ABK

R·R

HIGH COURT

DATED: 07/10/2026

ORDER

CRLP.No.16493 of 2026



ALLOWING THE CRIMINAL PETITION

8 Copies

17/10/26

R.R