IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE EIGHTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16639 OF 2026

Between:

1. SYED SHAHNAWAZ MOHIUDDIN, S/o. Syed Ahmed Mohiuddin, Aged about 37 years, Occ. Private Employee, R/o. H.No.8-3-228/1206/1, Jawahar Nagar, near Noor High School, Hyderabad.
2. ABDUL RASHEED,, S/o. Abdul Jaleel, Aged about 35 years, Occ. Private Employee, R/o. H.No.8-3-228/1064, Jawahar Nagar, Hyderabad.
3. MOHAMMED YASEEN, S/o. Mohammed Yousuf, Aged about 39 years, Occ. Private Employee, R/o. H.No.8-3-228/678/177, Jawahar Nagar, Hyderabad.
4. SYED SARFARAZ MOHIUDDIN,, S/o. Late Syed Ahmed Mohiuddin, Aged about 33 years, Occ. Auto Driver, R/o. H.No.8-3-228/1206/1, Jawahar Nagar, near Noor High School, Hyderabad.

...PETITIONERS/ACCUSED Nos. 1 to 4

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Sri M. Aditya, Senior CI, O/o. Assistant Civil Supplies Office, Khairatabad, Circle-VII, Hyderabad.

...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. 15474 of 2024 on the file of the XIV Additional Chief Judicial Magistrate at Nampally, Hyderabad, for the alleged offences under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 7(1)(a)(i) of the Essential Commodities Act, 1955 to the extent of the petitioners/Accused Nos.1 to 4.

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 stay all further proceedings in CC No. 15474 of 2024 on the file of the XIV Additional Chief Judicial Magistrate at Nampally, Hyderabad 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 Ms. M. Raja Laxmi, Advocate for the Petitioners, Public Prosecutor on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2.

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.16639 of 2026
CNR No.HBHC010696012026

Date: 08.10.2026

Between:

Syed Shahnawaz Mohiuddin and 3 others

...Petitioners

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 4 seeking to quash the proceedings in C.C.No.15474 of 2024, on the file of the XIV Additional Chief Judicial Magistrate at Nampally, Hyderabad.

2. Heard Ms.M.Raja Laxmi, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioners/accused Nos.1 to 4 is that they have procured PDS rice and wheat from the beneficiaries at cheaper rate to sell the same for profit and on

13.07.2024, the petitioners were found in possession of 49.40 quintals of PDS rice and 11.70 quintals of PDS wheat.

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 (1) (a) (i) of the Essential Commodities Act, 1955 (for short 'EC Act') and requested to pass appropriate orders.

6. Section 7 of the EC 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 and wheat 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.15474 of 2024, on the file of the XIV Additional Chief Judicial Magistrate at Nampally, Hyderabad, against the petitioners/accused Nos.1 to 4, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- M NAGAMANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIV Additional Chief Judicial Magistrate at Hyderabad
2. The Station House Officer, Madhura Nagar Police Station, Hyderabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Ms. M. Raja Laxmi, Advocate [OPUC]
5. Two CD Copies

VH

HIGH COURT

DATED: 08/10/2026

ORDER

CRLP.No.16639 of 2026



ALLOWING THE

CRIMINAL PETITION

Y.V.G
17/10/26