IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16767 OF 2026

Between:

1. Pagidiparthy Thirupathaiah, S/o. Nagulu Aged 43 years Occ: Driver R/o. H.no.1-39/1 Model Colani Sharemohammad Peta Village Jaggayapeta Mandal NTR District Andhra Pradesh-521175.
2. Chava Pitchaiah @Chava Pichaiah, S/o. Bhadraiah Aged 54 years Occ Business R/o. H.No.11-379 Mittegudem Jaggayapeta Town

...PETITIONER/ACCUSED No.1 & 2

AND

1. The State of Telangana, through S.H.O. Kodad Rural Police Station Suryapet District rep. by its Public Prosecutor High Court for the State of Telangana at Hyderabad.
2. P.Chandra Shekar, S/o. Lingaiah Age 39 years Occ: Police Constable PC-2361 R/o. Kondapuram Village Chilukur Manda Suryapet District Telangana-508206.

...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 C.C.No.241 of 2023 on the file of Additional Judicial First Class Magistrate at Kodad against the Petitioners/Accused Nos.1 & 2.

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 against the Petitioners/Accused Nos.1 & 2 in C.C.No.241 of 2023 on the file of Additional Judicial First Class Magistrate at Kodad pending disposal of the present Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Arvapalli Shiva Sai Nath, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.16767 of 2026
(CNR No. HBHC010705232026)

Date: 09.10.2026

Between:

Pagidiparthy Thirupathaiah and another.
...Petitioners/Accused Nos.1 and 2

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.241 of 2023 on the file of the learned Additional Judicial First Class Magistrate at Kodad, for the offences punishable under Section 420 of the Indian Penal Code, 1860 (for short, 'the IPC') and Section 7 of the Essential Commodities Act, 1955 (for short 'the E.C. Act').

2. Heard Mr. A.Shiva Sainath, learned counsel for the petitioners, and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondents.

3. The specific allegation against the petitioners/accused Nos.1 and 2 is that they had procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 26.02.2023 at about 8-00 hours. the petitioners were found in possession of 40 plastic bags containing 19 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 offence said to have been committed by the petitioners is cheating and violation of Section 7 of the E.C. Act and requested to pass appropriate orders.

6. Section 7 of the E.C. Act contemplates 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.241 of 2023 on the file of the learned Additional Judicial First Class Magistrate at Kodad, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

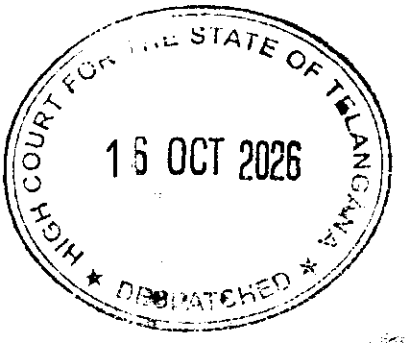
To,

1. The Additional Judicial First Class Magistrate at Kodad
2. The Station House Officer, Kodad Rural Police Station Suryapet District
3. One CC to SRI. ARVAPALLI SHIVA SAI NATH Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/BA

HIGH COURT

DATED: 09/10/2026



ORDER

CRLP.No.16767 of 2026

ALLOWING THE CRLP

8 copies
16/10/26