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: 16986 OF 2026

Between:

1. Chengali Venkateshwarlu @ Venkatesh, S/o Janaiah, Age. 55 years, Occupation: Driver, R/o. H.No. 1-95, Telkapally, Thelkapally, Mahabub Nagar, Andhra Pradesh @ Telangana.509385
2. AithaRavinder, S/o A Laxmaiah, Age. 45 years, Occupation: Business, R/o.Plot No. 16, SainagarColony,RoadNo. 5, Nagole,Rangareddy, Telangana.500068.
3. AithaSrikanth, C/o A Krishna Age. 38 years, Occupation:. Business, R/o.Flat No. 102, Vasavirajamani meadows Haripuri Colony, Road No. 1, Near Yallama Temple, Kothapet,Saroornagar, KV Rangareddy,Telangana.500035.
4. Banoth Kotesh, S/o Bhasha, Age: 33 years. Occ: Business, R/o Hno: 12-127, Vepalagadda Tanda, Sudimalla, Yellandu, Khammam Dist,Telangana.507123

...Petitioners/Accused 1 to 4

AND

1. State of Telangana, Rep. By its Public Prosecutor High Court of Telangana at Hyderabad.
2. Resu Veeraiah, S/o Bhadraiah, Age . 58yrs, Occ. RI Civil Supplies R/o Karunagiri Khammam,

...Respondent/Defacto Complainant

Petition under Section 528 of BNSS, Act 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 Crime. No. 225 of 2026, on the file of PS, Karepalli, District Khammam, against the petitioners/ accused.

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 in Crime. No. 225 of 2026 on the file of PS., Karepalli, District Khammam, 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 C Vivekanand, Advocate for the Petitioner and the Sri V. Jithender Rao, Additional Public Prosecutor on behalf of the Respondents.

The Court made the following:

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.16986 of 2026
(CNR No. HBHC010705582026)

Date: 26.10.2026

Between:

Chengali Venkateshwarlu @ Venkatesh and three others.
...Petitioners/Accused Nos.1 to 4

AND

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 Crime No.225 of 2026 of Karepalli Police Station, Khammam District, registered for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS') and Section 7 of the Essential Commodities Act, 1955 (for short 'the E.C. Act') r/w Clause 17(e) of the Telangana State Public Distribution System (Contol) Order, 2016.

2. Heard Mr. C.Vivekanand, 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 to 4 is that they had procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 20.08.2026 at about 02-00 hours, the petitioners were found in possession of 202.90 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 Crime No.225 of 2026 of Karepalli Police Station, Khammam District, against the petitioners/accused Nos.1 to 4, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- P.C. SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

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

DL/GNK

R.R

HIGH COURT

DATED: 26/10/2026



ORDER

CRLP.No.16986 of 2026

ALLOWING THE CRIMINAL PETITION

8 Copies
31/10/26
R.R