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: 17594 OF 2026

Between:

1. Pastham Yesu, S/o Jampaiah, Age: 26 years, Occ: Business. R/o. H. No. 8-72/5/C, Kothapalle Village, Mulug Ghanpur mandal of JS Bhupalpally District.
2. Md. Bikkan @ Vikkan, S/o Goremiya, Age: 39 years, Occ: Lorry Driver, R/o. H. No. 6-101, Jupalre of verdanda mandal, Mahabubnagar District.

...Petitioners/Accused 1 and 2

AND

The State of Telangana, Rep. by its Public Prosecutor, Through P.S. Nallabelly High Court for the State of Telangana, 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 CC No.887 of 2024 on the file of on the file of the Judicial Magistrate of First Class at Narsampet, in the interest of justice.

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 C.C. No. 887 of 2024 on the file of the Judicial Magistrate of First Class at Narsampet, 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 Mr. B. Dileep Kumar, Advocate for the Petitioners and Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Sole Respondent.

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.17594 of 2026

CNR.No. HBHC010725492026

Date: 26.10.2026

Between:

Pastham Yesu and another

...Petitioners/accused Nos.1 and 2

AND

The State of Telangana

...Respondent

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in C.C.No.887 of 2024 on the file of learned Judicial Magistrate of First Class at Narsampet.

2. Heard Mr.B.Dileep Kumar, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent.

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 30.04.2024, the petitioners were found in possession of 260 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 in 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.887 of 2024 on the file of learned Judicial Magistrate of First Class at Narsampet, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Narsampet
2. The Station House Officer, Nallabelly Police Station, Warangal District.
3. One CC to Mr. B. Dileep Kumar, Advocate [OPUC]
4. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

KAM/GNK

HIGH COURT

DATED: 26/10/2026



ORDER

CRLP.No.17594 of 2026

ALLOWING THE CRLP.

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