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: 17575 OF 2026

Between:

Mohammed Jaffar @ Saleem, s/o late Shaik Dawood, age 74 yrs Occ Business, R/O H.No 17-8-189/4, N.A.B Chowni, Yakutpura,Hyderabad, Telangana.

...Petitioner/Accused 1

AND

1. The State of Telangana, Rep. by Its Public Prosecutor High Court For the State of Telangana At Hyderabad.
2. Smt. N. Kavitha, Occ Th(Enft) Civil supply Department, T.G. Hyderabad.

...Respondent/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 proceedings in C.C. No. 14145 of 2024 on the file of VII Additional Chief Metropolitan Magistrate court Nampally, under sections U/s 318(4) of BNS and 7 of Essential Commodities Act 1955, against the petitioners-Accused No. 1.

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 of all further proceedings in C.C. No 14145 of 2024 on the file of VII Additional Chief Metropolitan Magistrate court, Nampally, under sections U/s 318(4) BNS and 7 of Essential Commodities Act 1955, against the petitioner-accused No. 1, 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 Thomas Joseph Lloyd, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondent No.1.

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.17575 of 2026

CNR.No. HBHC010731252026

Date: 26.10.2026.

Between:

Mohammed Jaffar @ Saleem

...Petitioner

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.1 seeking to quash the proceedings in C.C.No.14145 of 2024, on the file of learned VII Additional Chief Metropolitan Magistrate Court, Nampally.

2. Heard Mr.Thomas Llyod, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioner that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 04.07.2024, the petitioner was found in possession of 18 quintals of PDS rice.

4. Learned counsel for the petitioner 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 petitioner for prosecution is untenable and improper. The allegations, even taken at his face value cannot be sustained against the petitioner. 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 petitioner is also entitled to the same relief and hence prayed to quash the proceedings against the petitioner.

5. The learned Additional Public Prosecutor submits that as per prosecution, the offences said to have been committed by the petitioner 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 petitioner has 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 petitioner herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.14145 of 2024, on the file of learned VII Additional Chief Metropolitan Magistrate Court, Nampally, against the petitioner/accused No.1, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- L. USHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.
2. The Station House Officer, Madannapet Police Station, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri Thomas Joseph Lloyd, Advocate [OPUC]
5. Two CD Copies

DL/GNK

R.R

HIGH COURT

DATED: 26/10/2026

ORDER

CRLP.No.17575 of 2026



ALLOWING THE CRIMINAL PETITION

8 copes

3/11/26

RR