**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

TUESDAY, THE TWENTY SEVENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 17692 OF 2026**

**Between:**

1. Shaibaz, S/o Javeed Ahmed, aged about 19 years, Occ. Welding, R/o H.No. 8-4-369/211/65, Bharat Nagar, Hyderabad.
2. Syed Shah Nawaz, S/o Syed Ahmed, aged about 35 years, Occ. Business, R/o H.No. 8-3-228/1064,Jawahar Nagar, Yousufguda, Hyderabad.

**...Petitioner/Accused Nos. 1 to 2**

**AND**

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Rachakonda Saahit Sagar, Junior Assistant, O/o Asst Civil Supplies Officer, Khairathabad, 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 Crime No. 514 of 2026 before PS Borabanda for the alleged offences under Section 7 of the Essential Commodities Act, 1955 to the extent of the petitioners/Accused Nos.1 and 2.

**I.A. NO: 2 OF 2026**

Petition under Section 528 of BNSS, 2023 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 Crime No. 514 of 2026 before PS Borabanda 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. Malipeddi Raja Laxmi, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No. 1 and of None appeared for the Respondent No. 2.

**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.17692 of 2026**

**CNR.No. HBHC010739392026**

**Date: 27.10.2026**

Between:

Shaibaz and another

...Petitioners

AND

The State of Telangana, and another

...Respondents

**ORDER**

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.514 of 2026 of Borabanda Police Station, Hyderabad, wherein the petitioners were arrayed as accused Nos.1 and 2, for the offence punishable under Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

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 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 06.08.2026, the petitioners were found in possession of 1.3 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 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 FIR No.514 of 2026 of Borabanda Police Station,

Hyderabad. and also consequential proceedings 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 III Additional Chief Judicial Magistrate at Nampally.
2. The Station House Officer, Borabanda Police Station, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Ms. Malipeddi Raja Laxmi, Advocate [OPUC]
5. Two CD Copies

DL/GNK

**HIGH COURT**

**DATED: 27/10/2026**




**ORDER**

**CRLP.No.17692 of 2026**

**ALLOWING THE CRIMINAL PETITION**

(8)

Kgs

2/11/26