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: 17708 OF 2026

Between:

Rathlavath Ganesh, S/o Somla, Age. 34 years, Occ. Business, R/o Veerannapally Village, Gattuippalapally Post, Talakondapally Mandal, SURYAPET District, Currently Residing at. AB Complex, Sai Priya Colony Shadnagar, Faroognagar Mandal, SURYAPET District.

...Petitioner/Accused No. 3

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court, at Hyderabad for the State of Telangana.
2. Shaik AbdulNabi, S/o Shaik Hussain, Age. 39 Years, Occ. RI (CS) Melia Cheruvu, R/o Narayana Puram Village, Chilkur Mandal, Suryapet District, Telangana State.

...Respondents

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 quash the proceedings in CC No.1865 of 2021 on the file of the Additional Judicial Magistrate First Class Huzurnagar, Suryapet District in so far as petitioner/ Accused No.3, is concerned.

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 grant stay of all further proceedings against the Petitioner / Accused No.3 in CC No.1865 of 2021 on the file of the Additional Judicial Magistrate First Class Huzurnagar, Suryapet District pending disposal of the main criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G.Basappa, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondents.

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.17708 of 2026
CNR No. HBHC010740902026
Date: 27.10.2026

Between:
Rathlavath Ganesh

...Petitioner

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.3 seeking to quash the proceedings in C.C.No.1865 of 2021 on the file of the learned Additional Judicial Magistrate First Class, Huzurnagar, Suryapet District.

2. Heard Mr.G.Basappa, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioner is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 01.06.2020, the petitioner was found in possession of 62 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 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.1865 of 2021 on the file of the learned Additional Judicial Magistrate First Class, Huzurnagar, Suryapet District, against the petitioner/accused No.3, 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 Additional Judicial Magistrate First Class Huzurnagar, Suryapet District.
2. The Station House Officer, Mellachervu Police Station, Suryapet District.

3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sr G Basappa, Advocate [OPUC]
5. Two CD Copies

DL/GNK

HIGH COURT

DATED: 27/10/2026

ORDER

CRLP.No.17708 of 2026



ALLOWING THE CRIMINAL PETITION