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

WEDNESDAY, THE TWENTY EIGHTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 17794 OF 2026**

**Between:**

Mohammed Tajuddin, S/o Mohd Lal AhmedAge48YrsOccDriver-Cum-Owner Lorry of HMV Bearing NoAP13X3286 HNo8-4-369/65/99/2Bharath Nager Borabanda Sanathnagar IE Hyderabad

**...PETITIONER/ACCUSED**

**AND**

1. The State Of Telangana, Through The SHO Patancheru CyberabadRep by its Public Prosecutor of Honble High Court of Telangana Hyderabad
2. The Collector(Civil Supplies), Sangareddy Dist

**...RESPONDENT**

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 First Information Report in Crime No 553/2026 dated 13/04/2026 registered at Police Station Patancheru Cyberabad alleged offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita 2023 and Section 7 of the Essential Commodities Act 1955 as well as all consequential proceedings investigations and actions arising therefrom against the Petitioner / Accused in the interest of justice and to prevent the abuse of the process of law.

**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 direct the respondents unconditional release of the seized Lorry bearing Registration No AP 13 X 3286 without payment of any penalty, compounding fee or furnishing of punitive security In EC Act Case No CSA/167/2026 an onerous penalty of Rs 300000/- (Rupees Three Lakhs only) representing 50% of the vehicles estimated value of Rs 600000/- was imposed upon the Petitioner as a condition precedent for release. With the quashing of Crime No. 553/2026, alleged offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 7 of the Essential Commodities Act, 1955 all derivative penal burdens and conditional

release requirements collapse, and the vehicle, which has been lying exposed to weather and mechanical deterioration at Patancheru Police Station since 13.04.2026, is liable to be restored to the Petitioner forthwith without any penalty.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PONAKA RAHUL REDDY , Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.17794 of 2026**
**CNR No. HBHC010741752026**
**Date: 28.10.2026**

Between:
Mohammed Tajuddin

...Petitioner

AND

The State of Telangana and another

...Respondents

**ORDER**

This Criminal Petition has been filed by the petitioner/accused seeking to quash the proceedings in FIR No.553 of 2026 of Patancheru Police Station, Cyberabad Commissionerate, for the offences punishable under Sections 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 7 of the Essential Commodities Act, 1955.

2. Heard Mr.Ponaka Rahul Reddy, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioner/accused is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 13.04.2026, the petitioner was found in possession of 232.40 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 FIR No.553 of 2026 of Patancheru Police Station, Cyberabad Commissionerate, against the petitioner/accused, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

**SD/- K. BHAVANI SWAMY**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Judicial First Class Magistrate (Excise and Prohibition) at Sangareddy
2. The Station House Officer, Patancheru Police Station, Cyberabad
3. One CC to SRI. PONAKA RAHUL REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/GNK

HIGH COURT

DATED: 28/10/2026

ORDER

CRLP.No.17794 of 2026




ALLOWING THE CRLP

FIR
2/12/2026
8 COPIES