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: 17729 OF 2026

Between:

1. A2.Shankar Chitnalli, S/o Nagshetty Chitnalli, age 38 years, Occu: owner of Lorry, R/o H.no. 1/149,Kandgoal, Talmadgi post, Humnabad taluq, Bidar district, Kartnataka 585329
2. A3.Sameer Ali,, S/o Shoukat Ali, Aged 25 years, Occu: lorry driver R/o. Garampad Taluq Chincholi, Kalaburgi, Karnataka585306

...Petitioners/Accused Nos. 2 & 3

AND

1. The State of Telangana, (S.H.O. Bhanoor Police station) Rep.by Public Prosecutor, High of Judicature at Hyderabad.
2. Khaleel Ahmed, S/o late Shaik Madar Aged 40 years, Occ: Deputy Tahsildar,(CS), Patancheru Mandal 0/o District Civil Supplies Office (CS), Sangareddy district.

...Respondents/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 FIR NO.249 of 2025, Datedand11- 8-2026 on the file of S.HO. P. S .Bhanoor, Sangareddy district.

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 against the petitioners/ Accused no's 2 & 3 in FIR NO.249 of 2026, Dated11-8-2026 on the file of S.H.O. P.S. Bhanoor, Sangareddy district.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Pusala Naresh, 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.17729 of 2026
CNR No. : HBHC010741992026

Date: 27.10.2026

Between:
Shankar Chitnalli and another

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.2 and 3 seeking to quash the proceedings in F.I.R.No.249 of 2026 of Bhanoor Police Station, Sangareddy District, registered for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr.Pusala Naresh, 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/accused Nos.2 and 3 is that they have procured PDS rice from the

beneficiaries at cheaper rate to sell the same for profit and on 11.08.2026, the petitioners were found in possession of 37.05 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 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 F.I.R.No.249 of 2026 of Bhanoor Police Station,

Sangareddy District, and consequential proceedings against the petitioners/accused Nos.2 and 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate at Sangareddy.
2. The Station House Officer, Bhanoor Police station, Sangareddy District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri Pusala Naresh, Advocate [OPUC]
5. Two CD Copies

DL/GNK

Pmc.

HIGH COURT

DATED: 27/10/2026

ORDER

CRLP.NO.17729 OF 2026



ALLOWING THE CRIMINAL PETITION

8 Pmc.
31/10/26.