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: 17847 OF 2026

Between:

Mallaiah Gella @ Gellu Mallaiah, S/o. Poshaiah, Age. 49 years, Occ. Agriculture, R/o. H.No. 1-49/1, Shivvaram Village, Jaipur Mandal, Mancherial District-504216.

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court at Hyderabad through S.H.O., P.S. Jaipur, Mancherial District.

...RESPONDENT

2. K. Rama Krishna, S/o. Unknown, Age. Major, Occ. Sub Inspector of Police, PS Jaipur. R/o. Jaipur, Mancherial District.

...RESPONDENT/DEFACTO 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 call for the records relating to C.C. No.626 OF 2020 on the file of the Hon'ble Judicial First-Class Magistrate at Chennur, Mancherial District against the Petitioner/Accused No.1 and quash the same and be pleased

I.A. NO: 1 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 grant stay of all further proceedings in C.C. No.626 OF 2020 on the file of the Hon'ble Judicial First-Class Magistrate at Chennur, Mancherial District including appearance of the Petitioner/Accused No.1 till the disposal of the Criminal Petition in the interest of the justice and be pleased

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri ANUGANTI PRANEETH, Advocate for the Petitioner and Sri Jitnender 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.17847 of 2026
CNR No. HBHC010747192026
Date: 28.10.2026.

Between:

Mallaiah Gella @ Gellu Mallaiah

...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.626 of 2020, on the file of learned Judicial First Class Magistrate at Chennur, Mancherial District.

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

3. The specific allegation against the petitioner/accused No.1 is that he has procured PDS rice from the beneficiaries at cheaper rate

to sell the same for profit and on 12.12.2020, the petitioner was found in possession of 17 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.626 of 2020, on the file of learned Judicial First Class Magistrate at Chennur, Mancherial District, against the petitioner/accused No.1, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First-Class Magistrate at Chennur,Mancherial District
2. The Station House Officer, Jaipur Police Station, Mancherial District.
3. One CC to SRI. ANUGANTI PRANEETH Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

GV/GNK

HIGH COURT

DATED: 28/10/2026



ORDER

CRLP.No.17847 of 2026

ALLOWING THE CRIMINAL PETITION

(8)

T.P

03/11/26