IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 18019 OF 2026

Between:

1. Vallapu Yellaiah, S/o. Venkanna, age 35 Years, Occ. Driver, - R/o. YSR Colony, Mahabubabad
2. Jangam Ajith, S/o. Anjaiah, age 24 Years, occ. Student, R/o. Mahabubabad.
3. Chervirala Naveen Kumar, S/o. Kistaiah, age 44 Years, occ Businesss, R/o. Ayyagaripally village, Kuravi Mandal.
4. Lunavath Kishan, S/o. Kashya, age 36 Years, Occ. Driver, Ra/o. Bancharai Thanda of Kuravi Mandal.

...Petitioners/Accused Nos. 1 to 4

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. P. Venugopal, S/o. Rajeswar Rao, age 36 Years, Occ Deputy Tahsildar, Civil Supplies, R/o. Mahabubabad.

...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 C.C. No. 989 of 2024 on the file of Judicial Magistrate of First Class at Mahabubabad.

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 Stay all further proceedings in C.C. No. 989 of 2024 on the file of Judicial Magistrate of First Class at Mahabubabad, 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 Sri Bethepu Dileep Kumar, Advocate for the Petitionesr 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.18019 of 2026

CNR No. : HBHC010753182026
Date: 30.10.2026

Between:
Vallapu Yellaiah and three others

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nso.1 to 4 seeking to quash the proceedings in C.C.No.989 of 2024 on the file of the learned Judicial Magistrate of First Class at Mahabubabad.

2. Heard Mr.Dileep Kumar, 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.1 to 4 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 09.05.2024, the petitioners were found in possession of 25 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 C.C.No.989 of 2024 on the file of the learned Judicial Magistrate of First Class at Mahabubabad, against the petitioners/accused Nos.1 to 4, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate at Mahabubabad.

2. The Station House Officer, Kuravi Police Station, Mahabubabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri Bethepu Dileep Kumar, Advocate [OPUC]
5. Two CD Copies

DL/GNK

HIGH COURT

DATED: 30/10/2026

ORDER

CRLP.No.18019 of 2026



ALLOWING THE CRIMINAL PETITION

(8)
T.P
03/11/26