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: 18031 OF 2026

Between:

1. Kommalapati Srinivas, S/o Yedu Kondalu, Aged about 27 years, Occ: Business, R/o Balaji Nagar Zero Line, Guntur Urban, Andhra Pradesh.
2. Kollipara Venkata Subba Rao, S/o Khadaraiah, Aged about 52 years, Occ: Business, R/o D.No.8-8-91, 3rd Line, Nehru Nagar, Guntur, Guntur District, A.P.
3. Alugumalli Mahesh Reddy, S/o Venkat Reddy Aged about 31 years, Occ: Business, R/o Piduguralla Town, Palnadu District, Andhra Pradesh.
4. Kakarla Ramesh, S/o Vishwanadam, Aged about 43 years, Occ: Business, R/o Sathenapally Town, Palnadu District, Andhra Pradesh.
5. Sakikla Srinivasa Rao @ Vasu, S/o Masthan Rao, Aged about 53 years, Occ: Business, R/o Narasaraopeta, Palnadu District, Andhra Pradesh.

...PETITIONER/A-1 to A-5

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad.

RESPONDENT

2. KasparajuSanthosh, S/o Lingaiah, Aged about 26 years, Occ: Police Officer, R/o Thipparthy Village and Mandal, Nalgonda District.

...RESPONDENTS/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 quash the CC No.1296 of 2025 on the file of Hon'ble II Additional Judicial First Class Magistrate at Miryalguda in so far as petitioners/A-1 to A-5 are 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 stay of all further proceedings in CC No.1296 of 2025 on the file of Hon'ble II Additional Judicial First Class Magistrate at Miryalguda in so far as petitioners/A-1 to A-5, 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 Ch Ravinder, Advocate for the Petitioner and the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None appeared for Respondent No.2.

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.18031 of 2026

CNR No. : HBHC010756172026

Date: 30.10.2026

Between:
Kommalapati Srinivas and four others

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 5 seeking to quash the proceedings in C.C.No.1296 of 2025 on the file of the learned II Additional Judicial First Class Magistrate at Miryalguda.

2. Heard Mr.CH.Ravinder, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent.

3. The specific allegation against the petitioners/accused Nos.1 to 5 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and they were found in possession of 300 quintals of PDS rice.

3. 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.

4. 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.

5. 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.1296 of 2025 on the file of the learned II Additional Judicial First Class Magistrate at Miryalguda, against the petitioners/accused Nos.1 to 5, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The II Additional Judicial First Class Magistrate at Miryalguda.

2. The Station House Officer, Wadapally Police Station, Nalgonda District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. Ch Ravinder, Advocate [OPUC]
5. Two CD Copies

Pr/GNK



HIGH COURT

DATED: 30/10/2026



ORDER

CRLP.No.18031 of 2026

ALLOWING THE CRIMINAL PETITION

(8)
04/11/26
K.K