IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SECOND DAY OF NOVEMBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 18110 OF 2026

Between:

1. Mohd. Nawaz, S/o Abdul Razzaq, Aged about 27 years, Occ. Business, R/o H.No. 8-2-740/10/3, Bhola Nagar, Road No. 12, Banjara Hills, Asif Nagar, Hyderabad.
2. Raheem Khan, S/o Saleem Khan, Aged about 25 years. Occ. Driver, R/o H.No. 4-26-54/13, Suleman Nagar. Chintalmet, Rajendranagar, Ranga Reddy District.
3. Mohd. Waseem, S/o Abdul Razzaq, Aged about 27 years, Occ. Mutton Shop, R/o H.No. 4-25-108/32, Plot No. 9, Wade-E-Mohammed, Rajendranagar, Ranga Reddy District.

...Petitioner/Accused Nos. 1 to 3

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. C. Sridhar Reddy, Sub-Inspector of Police, P.S. Rajendranagar, Cyberabad.

...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 proceedings in C.C. No. 196 of 2021 on the file of the XI Additional Judicial Magistrate of First Class Ranga Reddy District at Rajendranagar Court, arising out of Crime No. 1593 of 2020 of Rajendranagar Police Station, for the alleged offences under Section 420 IPC and Section 7 of the Essential Commodities Act, 1955, insofar as the petitioners/Accused Nos. 1 to 3 are concerned.

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. 196 of 2021 on the file of the Honourable XI Additional Judicial magistrate of First Class Ranga Reddy District at Rajendranagar Court pending disposal of the above Criminal Petition, insofar as the petitioners/Accused Nos. 1 to 3 are concerned.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms. M. Raja laxmi, Advocate for the Petitioners and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondents.

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.18110 of 2026
CNR No. HBHC010758662026
Date: 02.11.2026

Between:
Mohd. Nawaz and 2 others

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in C.C.No.196 of 2021 on the file of the XI Additional Judicial Magistrate of First Class, Ranga Reddy District at Rajendranagar Courts.

2. Heard Ms.M.Raja Laxmi, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioners/accused Nos.1 to 3 is that they have procured PDS rice from the

beneficiaries at cheaper rate to sell the same for profit and on 25.09.2020, the petitioners were found in possession of 18,800 kgs 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 are 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 contemplates 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.

3. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.196 of 2021 on the file of the XI Additional Judicial Magistrate of First Class, Ranga Reddy District at Rajendranagar Courts, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

To,

SECTION OFFICER

1. The XI Additional Judicial Magistrate of First Class Ranga Reddy District at Rajendranagar Courts.
2. The XIV Additional Metropolitan Magistrate, At Rajendranagar, Cyberabad.
3. The Station House Officer, Rajendranagar Police Station, Cyberabad Commissionerate.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
5. One CC to Sri. Rekha Kumari P, Advocate [OPUC]
6. Two CD Copies

DL/GNK

HIGH COURT

DATED: 02/11/2026



ORDER

CRLP.No.18110 of 2026

ALLOWING THE CRIMINAL PETITION

(9)
06/11/26
K.K