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: 18137 OF 2026

Between:

1. P. Parmeshwar Reddy, S/o. Sai Reddy, Aged 69 Years, Occ. Business, R/o. Mahammadapur village, Pangal Mandal, Wanaparthy, Telangana.
2. G. Sai Reddy, S/o. Vema Reddy, Aged 48 years, Occ. Private Employee, R/o. Janampally Village, Pebbair Mandal, Wanaparthy District, Telangana.

...Petitioners/Accused No. 1 & 2

AND

1. The State of Telangana, Rep. through the Public Prosecutor, High Court of Telangana at Hyderabad.
2. CH. Thanuja, W/o. Telu Rambabu, Aged 62 Years, Occ. Dist. Civil Supply officer, R/o. Plot.No. 503, 12-5-5 lane, beside SBI lane, South Lalaguda, Secunderabad.

...Respondents

Petition under Section 528 of BNSS, Act 2023 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. 1353 of 2022 on the file of the 1st Additional Junior civil Judge cum Judicial Magistrate of First class at Wanaparthy District.

I.A. NO: 1 OF 2026

Petition under Section 528 of BNSS, Act 2023 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 including arrest of the

petitioners/accused in CC No. 1353 of 2022 on the file of the 1st Additional Junior civil Judge cum Judicial Magistrate of First class at Wanaparthy District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K Rathanga Pani Reddy, 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: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.18137 of 2026
CNR No.HBHC010758932026
Date: 02.11.2026

Between:
P.Parmeshwar Reddy and another

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in C.C.No.1353 of 2022 on the file of the I Additional Junior Civil Judge-cum-Judicial Magistrate of First Class at Wanaparthy.

2. Heard Mr.K.Rathanga Pani Reddy, 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 and 2 is that they have procured PDS rice from the

beneficiaries at cheaper rate to sell the same for profit and on 21.03.2017, the petitioners were found in possession of 245.75 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 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.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.1353 of 2022 on the file of the I Additional Junior Civil Judge-cum-Judicial Magistrate of First Class at Wanaparthy, against the petitioners/accused Nos.1 and 3 are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Kollapur.
2. The Station House Officer, Pangal Police Station, Wanaparthy District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri K Rathanga Pani Reddy, Advocate [OPUC]
5. Two CD Copies

DL/GNK

HIGH COURT

DATED: 02/11/2026

ORDER

CRLP.No.18137 of 2026



ALLOWING THE CRIMINAL PETITION

(8)
06/11/26
K.S