IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 18925 OF 2026

Between:

1. Kunusoth Krishna, S/o Pathya, Age. 25 years, Caste. ST lambada, Occ. Business, R/o H.No. 92-3-88 Paccharlabodu thanda village of Bhongir Mandal, Yadadri-Bhongir district, Telangana State.
2. Dharavath Tharun, S/o Kamla, Age. 24 years, Caste:- Lambada, Occu. Coolie, R/o H. No. 8-3-125 Paccharlabodu thanda village of Bhongir Mandal, Yadadri-Bhongir district, Telangana State.
3. Guguloth Mahesh, S/o Pandu, Age. 22 years, Caste:- ST- Lambada, Occu Student, R/o H.No. 3-76, Paccharlabodu thanda village of Bhongir Mandal, Yadadri-Bhongir district, Telangana State.
4. Nomula Ramalingaiah, S/o Lingaiah, Age. 35 years, Caste:- Yadav, Occu. Business, R/o H.No. 4-48 Thatikal village of Nakrekal Mandal, Yadadri-Bhongir district, Telangana State.

...Petitioners/Accused 1 to 4

AND

1. State of Telangana, Rep. By its Public Prosecutor, High Court of Telangana at Hyderabad.
2. Sri. Boda Venkateshwarlu, Occ. Head Constable No. 1973 of Kattangur PS, PS. Kattangur, R/o PS Kattangur, Nalgonda Dist., TELANGANA.

...Respondent/Defacto Complainant

Petition under Section 528 of B.N.S.S. 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. 18 of 2025 on the file of the court of the I Junior Civil Judge-cum-Judicial Magistrate of First Class, Nalgonda District at Nakirekal against the petitioners/ accused.

I.A. NO: 2 OF 2026

Petition under Section 528 of B.N.S.S. 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 the appearance of the petitioner/ accused C.C. No. 18 of 2025 on the file of the court of the I Junior Civil Judge-cum-Judicial Magistrate of First Class, Nalgonda District at Nakirekal, 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 C Vivekanand, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, learned 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.18925 of 2026

CNR.No. HBHC010791192026

Date: 13.11.2026

Between:

Kunusoth Krishna and 3 others

...Petitioners

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 4 seeking to quash the proceedings in C.C.No.18 of 2025, on the file of the I Junior Civil Judge-cum-Judicial Magistrate of First Class, Nalgonda District at Nakrekal.

2. Heard Mr.C.Vivekanand, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioners is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 14.12.2024, the petitioners were found in possession of 39 plastic bags of PDS rice, each bag containing 40 kgs.

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.18 of 2025, on the file of the I Junior Civil Judge-cum-Judicial Magistrate of First Class, Nalgonda District at Nakrekal, 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 I Junior Civil Judge-cum-Judicial Magistrate of First Class, Nalgonda District at Nakirekal.
2. The Station House Officer, Kattangur Police Station, Nalgonda District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri C Vivekanand, Advocate [OPUC]
5. Two CD Copies

GNK/KAM

R.R

HIGH COURT

DATED: 13/11/2026

ORDER

CRLP.No.18925 of 2026



ALLOWING THE CRIMINAL PETITION

8 copies
20/11/26
R.R