IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17604 OF 2025

Between:

1. Shaik Mohammed Ishaq, S/o. Shaik Sadiq, Age. 31 years, Occ. Driver, R/o. Phule Nagar, Dharmabad, Maharashtra State.
2. Shaik Majeed, S/o. Shaik Hanoomiya. Age. 26 years, Occ. Driver, R/o. Phule Nagar, Dharmabad, Maharashtra State.
3. Shaik Taher, S/o. Shaik Fayaz, Age. 36 years, Occ. Business, R/o. Sofi Nagar, Nirmal District, Telangana State.
4. Shaik Abdul Rauaf, S/o. Abdul Rahim, Age. 35 years, Occ. Business, R/o. Siddarthnagar, Dharmabad, Maharashtra State.
5. Shaik Ajmat Shaikh Sadakh, S/o. Shaikh Sadakh, Age. 30 years, Occ. Driver, R/o. Phule Nagar, Dharmabad, Maharashtra State.

...PETITIONER/ACCUSED NO.1 TO 5

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. D. Jyothimani, WPSI Police, R/o. Police Station, Soan, Nirmal District, Telangana State.

...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 CC No. 593 of 2021 on the file of the Principal Judicial Magistrate of First Class at Nirmal in so far as petitioners / Accused 1 to 5

I.A. NO: 2 OF 2025

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 grant stay of all further proceedings against the petitioners / Accused 1 to 5 in CC No. 593 of 2021 on the file of the Principal Judicial Magistrate of First Class at Nirmal 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 ALLURI DIVAKAR REDDY , Advocate for the Petitioner and the Mr V.Jithender Rao Addl Public Prosecutor on behalf of the Respondent No1. and none appeared for the Respondent No2.

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.17604 of 2025
Date: 27.04.2026

Between:
Shaik Mohammed Ishaq 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.593 of 2021, on the file of the Principal Judicial Magistrate of First Class, Nirmal.

2. Heard Mr.Alluri Divakar 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 to 5 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 11.08.2021, the petitioners were found in possession of 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 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.593 of 2021, on the file of the Principal Judicial Magistrate of First Class, Nirmal, against the petitioners/accused Nos.1 to 5, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Judicial Magistrate of First Class at Nirmal
2. The Station House Officer Police Station Soan , Nirmal District
3. One CC to SRI. ALLURI DIVAKAR REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

HIGH COURT

DATED: 27/04/2026



ORDER

CRLP.No.17604 of 2025

ALLOWING THE CRLP

29/4/26