

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 36 OF 2026

Between:

1. MD Abdul Raheem S/o. Kareem, Age 66 years, Occ Business, R/o H.No. 1-1-11/3/3/2, Madeena Colony, Banswada, Kamareddy District, Telangana State
2. Sayed Ismail S/o.Khajamia, Age 38 years, Occ Driver, R/o H.No.11-104, Tadkole Rajaram Dubba Village Banswada Mandal, Kamareddy District.

...PETITIONERS/ACCUSED No. 1 and 2

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. B. Anjaneyulu, Sub- Inspector of Police, Gandhari Police Station, Kamareddy District.

...RESPONDENTS

Petition under Section 582 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 CC No. 577 of 2024 on the file of the Judicial Magistrate of First Class at Yellareddy in so far as Petitioners/Accused No 1 and 2

I.A. NO: 2 OF 2026

Petition under Section 482 of Cr.P.C 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 petitioner of CC No. 577 of 2024 on the file of the Judicial Magistrate of First Class at Yellareddy 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 Petitioners, Public Prosecutor on behalf of the Respondent No. 1 and 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 HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.36 of 2026

Date: 06.01.2026

Between:

Md. Abdul Raheem and another

...Petitioners/accused Nos.1 and 2

AND

The State of Telangana,
Represented by the Public Prosecutor, High Court at Hyderabad
for the State of Telangana and another

...Respondents

ORDER

This Criminal petition is filed by the petitioners/accused Nos.1 and 2 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in C.C.No.577 of 2024 on the file of the Judicial Magistrate of First Class at Yellareddy, registered for the offence punishable under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Sri Alluri Divakar Reddy, learned counsel for the petitioners as well as Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned counsel for the petitioners submits that 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 20.12.2024 at morning hours, the petitioners were found in possession of 10 quintals of PDS rice.

4. Learned counsel for the petitioners would further 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 on their face value cannot be sustained against the petitioners. Further, this Court in Crl.P.Nos.5709 of 2019 and 33493 of 2015 while considering the same situation, categorically observed that the offences alleged against the petitioners therein cannot be continued and 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 offence said to have been committed by the petitioners is cheating and violation of Section 7 of the Essential Commodities Act, 1955 and requested to pass appropriate orders.

6. Perused the material available on record.

7. Section 7 of the Essential Commodities Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities in this regard, is punishable. As per the prosecution, the petitioners have procured PDS rice from the beneficiaries after supply from the dealer.

8. 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 petitioners 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 petitioners 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 petitioners is abuse of process of law."

9. 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 petitioner herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.577 of 2024 on the file of the Judicial Magistrate of First Class at Yellareddy, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

Sd/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Yellareddy
2. The Station House Officer, Gandhari Police Station, Kamareddy District
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri Alluri Divakar Reddy, Advocate [OPUC]
5. Two CD Copies



HIGH COURT

ETD, J

DATED: 06/01/2026



ORDER

CRLP.No.36 of 2026

ALLOWING THE
CRIMINAL PETITION

⑧

kpr
2/2/26