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: 5 OF 2026

BETWEEN:

1. Yerram Srinivas, S/o. Pandari, Age 50 years, Occ: Business, R/o. H.No.5-6-338/1, NGO's Colony, Kamareddy Town and Mandal, Kamareddy District, Telangana State.
2. Syed Nasiroddin, S/o. Muniroddin, Age 69 years, Occ: Driver, R/o. H.No.6-49/165, Beedi Workers Colony, Kamareddy Town and District, Telangana State.

...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. Y Kistaiah, S/o. Narsaiah, Age 55 years, Occ: Dy. Tahasildar (CS), Kamareddy Mandal, R/o. Kamareddy Town and Mandal, Kamareddy 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 pleased to quash the proceedings in CC No. 506 of 2023 on the file of the Principal Judicial Magistrate of First Class at Kamareddy in so far as Petitioners/Accused No.1 and 2.

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 grant stay of all further proceedings against the Petitioners/Accused No.1 and 2 in CC No. 506 of 2023 on the file of the Principal Judicial Magistrate of First Class at Kamareddy pending disposal of the main criminal petition and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

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 and Jitender Rao Veeramalla, the learned Additional Public Prosecutor on behalf of the Respondent No.1 and None appeared for 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.05 of 2026

DATE OF ORDER:- 06.01.2026

Between:

Yerram Srinivas, S/o.Pandari,
R/o.Kamareddy District & another.

... Petitioners/Accused Nos.1 & 2

AND

The State of Telangana
rep. by its Public Prosecutor, High Court
at Hyderabad & another.

...Respondents

ORDER:

1. This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking to quash the proceedings against the petitioners/accused Nos.1 & 2 in C.C.No.506 of 2023, on the file of the learned Principal Judicial Magistrate of First Class at Kamareddy, registered for the offences punishable under Section 420 of IPC and Section 7 of Essential Commodities Act, 1955.

2. Heard Sri Alluri Divakar Reddy, learned counsel for the petitioners/accused Nos.1 & 2 as well as Sri Jitender Rao

Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1- State.

3. The specific allegation against the petitioners is that they procured PDS Rice from rural people at lowest price for selling the same at higher price and on 15.07.2023 at 06:00 hours, the petitioners were found in possession of 196 plastic bags of PDS Rice weighing about 74.10 Quintals.

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, charging the petitioners for prosecution is untenable and improper. The allegations leveled against the petitioners cannot be sustained. Further, this Court in Crl.P.Nos.5709 of 2019 and 3493 of 2015, while considering the same situation, categorically observed that the offences alleged against the petitioner therein cannot be continued and quashed the proceedings. The petitioners herein are also entitled to the same relief and hence prayed to quash the proceedings against the petitioners.

5. The learned Additional Public Prosecutor has submitted that as per prosecution, the offences said to have been committed by the

petitioners is cheating and violation of Sections 7 and 8 of the Essential Commodities Act, 1955 and hence requested to pass appropriate orders.

6. Perused the material available on record.

7. Sections 7 and 8 of the Essential Commodities Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities or abetment in this regard, is punishable. As per the prosecution, the petitioners herein had 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 are 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, 2023 by applying the same analogy and to quash the proceedings against the petitioners herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners/accused Nos.1 & 2 in C.C.No.506 of 2023, on the file of the learned Principal Judicial Magistrate of First Class at Kamareddy, are hereby quashed.

11. Miscellaneous petitions pending, if any, shall stand closed.

SD/- B REKHA RANI
ASSISTANT REGISTRAR

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SECTION OFFICER

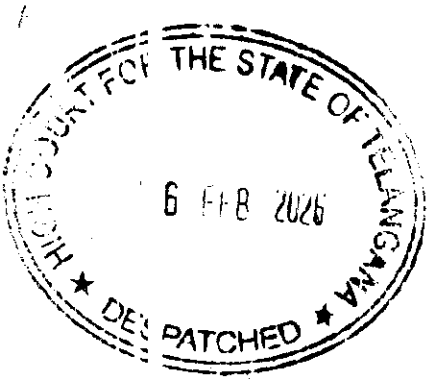
To,

1. The Principal Judicial Magistrate of First Class at Kamareddy
2. The Station House Officer, Kamareddy Police Station.
3. Two CCs to 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

GNK

HIGH COURT

DATED:06/01/2026



ORDER

CRLP.No.5 of 2026

ALLOWING THE CRLP

2/2/26