

**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: 6 OF 2026

Between:

Yerram Srinivas, S/o. Pandari, Age. 49 years, Occ. Business, R/o. H.No.5-6-338/1, NGOs Colony, Kamareddy Town and District, Telangana.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. Yerram Kistaiah, S/o. Narsaiah, Age. 54 years , Occ. Deputy Tahsildar (CS), R/o. 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 quash the proceedings in CC No. 120 of 2024 on the file of the Principal Judicial Magistrate First Class at Kamareddy in so far as petitioner/Accused.

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 petitioner/Accused in CC No. 120 of 2024 on the file of the Principal Judicial Magistrate First Class at Kamareddy 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 Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.06 of 2026

DATE OF ORDER:- 06.01.2026

Between:

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

... Petitioner/Accused

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 petitioner/accused in C.C.No.120 of 2024, 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 petitioner/accused 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 petitioner is that he procured PDS Rice from rural people at lowest price for selling the same at higher price and on 12.08.2023 at 16:00 hours, the petitioner was found in possession of 21 plastic bags of PDS Rice weighing about 7.50 Quintals.

4. Learned counsel for the petitioner 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 petitioner for prosecution is untenable and improper. The allegations leveled against the petitioner cannot be sustained. 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 petitioner therein cannot be continued and quashed the proceedings. The petitioner herein is also entitled to the same relief and hence prayed to quash the proceedings against the petitioner.

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

petitioner 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 petitioner 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 petitioner herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner/accused in C.C.No.120 of 2024, 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/- M. NAGAMANI
ASSISTANT REGISTRAR

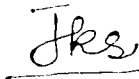
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SECTION OFFICER

To,

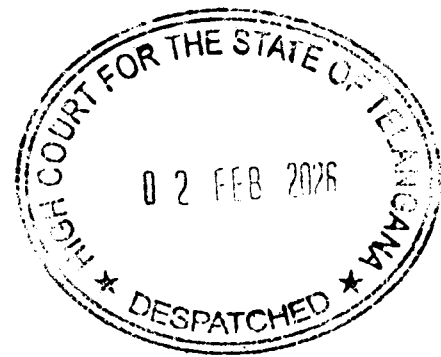
1. The Principal Judicial Magistrate First Class at Kamareddy
2. The Station House Officer, Kamareddy Police Station, Kamareddy
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI ALLURI DIVAKAR REDDY, Advocate [OPUC]
5. Two CD Copies

ADK/kam



HIGH COURT

DATED:06/01/2026



ORDER

CRLP.No.6 of 2026

ALLOWING THE CRLP

(8) JKS
22/1/26.