

APHC010547572025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 10653/2025**

Between:

1. CHENNA VENKATESWARA RAO ALIAS VENKATESH, S/O PRASAD
RAO, AGED 47 YEARS, OCC RICE MILLER, R/O.D.NO.1-105, SRI SAI
BALAJI MODERN RICE MILL, PEDDIPALEM, VISAKHAPATNAM

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, through Bhimunipatnam P.S.,
Visakhapatnam District, rep. by its Public Prosecutor High Court of
Andhra Pradesh.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. M M M SRINIVASA RAO

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The instant petition under Section 528 Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNNS') has been filed, by the Petitioner/accused No.3 seeking quashment of proceedings against him in C.C.No.360 of 2023, on the file of the learned XV Additional Metropolitan Magistrate, Bheemunipatnam, for the offence punishable under Section 7(1) of the Essential Commodities Act.

2. Heard Sri M.M.M.Srinivasa Rao, learned counsel for the Petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for the State.

3. It is submitted by the learned counsel for the Petitioner and acceded to, by the learned Assistant Public Prosecutor that the subject matter of this

Criminal Petition is squarely covered by the order passed by this Court in Criminal Petition No.3243 of 2022, dated 31.12.2024, wherein it was held as follows.

“10. In view of the guideline No.3 in Bhajanlal’s case (supra), the allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of the alleged offences by the Petitioner/Accused No.3. As such, this Court finds that there are justifiable grounds to exercise its jurisdiction under Section 482 Cr.P.C. Therefore, as the very ingredients of the offending Sections are not attracted against the Petitioner/Accused No.3, the criminal proceedings initiated against him are liable to be quashed.

11. In result, the Criminal Petition is allowed and the proceedings against Petitioner/Accused No.3 in C.C.No.113 of 2019 on the file of the Court of Judicial Magistrate of First Class, Dhone for the offence under Section 420 read with 34 IPC and Section 7(1) of the Essential Commodities Act, are hereby quashed. Pending miscellaneous petitions, if any, shall stand closed.”

4. Hence, following the said Orders passed by this Court in Criminal Petition No.3243 of 2022, dated 31.12.2024, and taking into consideration of the facts and circumstances of the case, this criminal petition is allowed, quashing the proceedings against the petitioner herein in C.C.No.360 of 2023, on the file of the learned XV Additional Metropolitan Magistrate, Bheemunipatnam, for the offence punishable under Section 7(1) of the Essential Commodities Act.

Pending applications, if any, shall stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:23.10.2025
Asr

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.P.No.10653 of 2025

Dt.23.10.2025

Asr