

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

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

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 4927 OF 2026**

**Between:**

1. Shaik Akbar Pasha, S/o. Ibraheem, Aged 35 years, Occ . Driver, R/o. H.No. 5-4-89/5/5/, Musthafanagar, Khammam Town and District. Pincode. 507001.
2. Karisha Sai Karthik, S/o. Kiran @ Upendramma, Aged 21 years, Occ: Student, R/o. H.No. 3-33/B, Kokkireni Village, Thirumalayapalem Mandal, Khammam District. Pincode. 507163.
3. Vanama Naveen Kumar, S/o. Venkateswara Rao, Aged 36 years, Occ: Business, Rio. H.No.15-4-78, Sri Lakshmi Nagar, Khammam Town and District. Pincode. 507002.
4. Samboju Ramu, S/o. Late Brahmam, Aged 35 years, Occ: Business, R/o. H.No. 5-5-253/2, Parshibandham, Khammam Town and District. Pincode. 507001.

**...Petitioner/Accused Nos. 1 to 4**

**AND**

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad
2. Sri. T. Vijaya Babu, Occ. Deputy Tahsildhar (CS), aged 45 years, Khammam Town and District. Pincode. 507001.

**...Respondents/Complainant**

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the impugned proceedings in C.C.No. 1579 of 2025, on the file of the 1 Additional Judicial Magistrate of First Class at Khammam, against the Petitioners/Accused Nos. 1 to 4.

**I.A. NO: 2 OF 2026**

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant interim stay of all further proceedings in C.C.No. 1579 of 2025, on the file of the I Additional Judicial Magistrate of First Class at Khammam., including appearance and attendance of the Petitioners/Accused Nos. 1 to 4, pending disposal of the above Criminal petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Gaje Raghu, Advocate for the Petitioners and Sri Jitender Rao Veeramala, Additional Public Prosecutor on behalf of the Respondents

**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.4927 of 2026**

**Date: 06.04.2026**

Between:

Shaik Akbar Pasha and three others

...Petitioners

AND

The State of Telangana and another

...Respondents

**ORDER**

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 4 seeking to quash the proceedings in C.C.No.1579 of 2025, on the file of the I Additional Judicial Magistrate of First Class at Khammam.

2. Heard Mr.G.Raghu, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioners/accused Nos.1 to 4 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 24.01.2025, the petitioners were found in possession of 25 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 CrI.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 Essential Commodities Act, 1955 (for short '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.1579 of 2025, on the file of the I Additional Judicial Magistrate of First Class at Khammam, against the petitioners/accused Nos.1 to 4, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

**SDI- N.SRIHARI  
DEPUTY REGISTRAR**

//TRUE COPY//

**SECTION OFFICER**

To,

1. The I Additional Judicial Magistrate of First Class at Khammam
2. The Station House Officer Police Station Khammam 2 Town, Khammam.
3. One CC to Sri Gaje Raghu, 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: 06/04/2026**

*CC today*

**ORDER**

**CRLP.No.4927 of 2026**



**ALLOWING THE CRIMINAL PETITION**

*8 copies*

*[Signature]*

*DE 13/4/26*