

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

**THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO: 6770 OF 2026

Between:

KATUKURI UDAY KUMAR @Gandhi, S/o. Narasimha Rao, Aged 48 years,
Occ: Business, R/o. Laxminagaram, Dummugudem Mandal, Bhadradri
Kothagudem District, Telangana-507137

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana, through S.H.O. Dummugudem Police Station, Bhadradri Kothagudem District, rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. G. Suresh, S/o. Not Known, Age. Not Known, Occ. Police Officer, HC 327, R/o, Dummugudem Police Station.

...RESPONDENT/COMPLAINANT

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 C.C.No.786 of 2022, on the file of Learned Judicial First Class Magistrate, at Bhadrachalam against the Petitioner/ACCUSED No.1.

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 No.1 in C.C.No.786 of 2022, on the file of Judicial First Class Magistrate, at Bhadrachalam, pending disposal of the present Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. A. Shiva Sainath, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, Additional 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 HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.6770 of 2026

Date:30.04.2026

Between:

Katukuri Uday Kumar @ Gandhi

...Petitioner

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.1 seeking to quash the proceedings in C.C.No.786 of 2022, on the file of learned Judicial First Class Magistrate, at Bhadrachalam.

2. Heard Mr.A.Shiva Sainath, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioner/accused No.1 is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 09.11.2022, the petitioner was

found in possession of 56 white plastic bags of PDS rice totalling 20.16 quintals.

4. Learned counsel for the petitioner 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 petitioner for prosecution is untenable and improper. The allegations, even taken at his face value cannot be sustained against the petitioner. Further, this Court, in Crl.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 petitioner is also entitled to the same relief and hence prayed to quash the proceedings against the petitioner.

5. The learned Additional Public Prosecutor submits that as per prosecution, the offences said to have been committed by the petitioner 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 petitioner has procured PDS rice from the beneficiaries after supply from the dealer.

7. A Coordinate Bench of this Court in CrI.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 petitioner herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.786 of 2022, on the file of learned Judicial First Class Magistrate, at Bhadrachalam, against the petitioner/accused No.1, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, at Bhadrachalam
2. The Station House Officer, Dummugudem Police Station, Kothagudem District.
3. One CC to Mr. A. Shiva Sainath, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies
KAM/KA

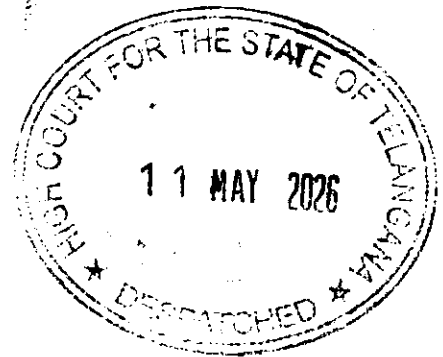
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HIGH COURT

DATED: 30/04/2026

ORDER

CRLP.No.6770 of 2026



**ALLOWING THE
CRIMINAL PETITION**

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