

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 7230 OF 2026

Between:

1. Mohd. Khasim, S/o Md. Magbool, Aged about 35 years, Occ. Driver, R/o H.No. 6-3-1177, B.S. Matha, Hyderabad
2. Banoth Raju, S/o Banoth Pandu, Aged about 27 years, Occ. Driver, R/o Mandapally Village, Gundala Mandal, Jangaon District

...PETITIONERS/ACCUSED No.1 & 3

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana,
Hyderabad

...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 proceedings in C.C. No.1676 of 2019 on the file of the XIV Additional Chief Metropolitan Magistrate, Hyderabad, arising out of Crime No.90 of 2019 of Panjagutta Police Station, insofar as the Petitioners / Accused Nos.1 and 3 are concerned, as the case is squarely covered by the judgment in Cri.P.No.4480 of 2026 and connected cases, and pass such other order or orders as this Court may deem fit and proper in the interest of justice.

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 stay all further proceedings in C.C. No.1676 of 2019 insofar as the Petitioners are concerned and pass such other order or orders as this 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 Mohammad Imtiyaz Pasha, Advocate for the Petitioners and Mr. Jithender Rao Veeramalla, learned Addl Public Prosecutor on behalf of the Respondent.

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.7230 of 2026

Date: 05.05.2026

Between:

Mohd. Khasim and another

...Petitioners

AND

The State of Telangana

...Respondent

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 3 seeking to quash the proceedings in C.C.No.1676 of 2019 on the file of the learned XIV Additional Chief Metropolitan Magistrate at Hyderabad.

2. Heard Mr.Mohammad Imthiyaz, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent.

3. The specific allegation against the petitioners/accused Nos.1 and 3 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 22.02.2019, the petitioners were found in possession of 100 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 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 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 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.1676 of 2019 on the file of the learned XIV Additional Chief Metropolitan Magistrate at Hyderabad, against the petitioners/accused Nos.1 and 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/-K BHAVANI SWAMY
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The XIV Additional Chief Metropolitan Magistrate, Hyderabad
2. The Station House Officer, Panjagutta Police Station, Cyberabad District .
3. One CC to Sri Mohd Imthiyaz Pasha, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

BJLB/GNK

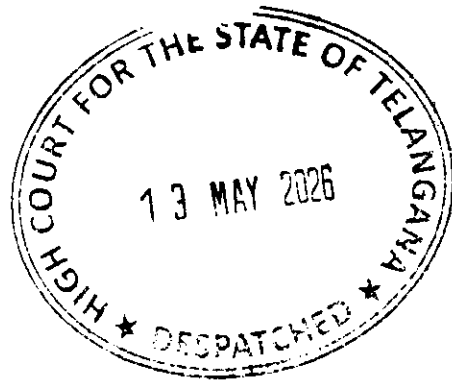
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HIGH COURT

DATED: 05/05/2026

ORDER

CRLP.No.7230 of 2026



CRIMINAL PETITION IS ALLOWED

⑧MT
12/5/26