

**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: 7172 OF 2026

Between:

Shaik Afroz, , S/o. Shadullah, Aged 32 years, Occ. Business, R/o. H.No. 7-14-128/1,
Habeeb nagar, Nizamabad Town ad District. Pincode. 503001.

...PETITIONER/ACCUSED No.2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana,
at Hyderabad
2. Sri. Rathod Ravi Kumar,, S/o. Chandraiah, Occ. Deputy Tahasildar (CS)
Dichpally, Nizamabad District. Pincode. 503175.

...RESPONDENT/COMPLAINANTS

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 F.I.R. No. 252 of 2023, on the file of the Dichpally Police Station, Nizamabad District., in so far as Petitioner/Accused No 2 is concerned.

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 F.I.R. No. 252 of 2023, on the file of the Dichpally Police Station Nizamabad District., including appearance and attendance of the Petitioner/Accused No. 2.

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 Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No.1.

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.7172 of 2026

Date: 05.05.2026

Between:

Shaik Afroz

...Petitioner

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.252 of 2023 of Dichpally Police Station, Nizamabad District, wherein the petitioner was arrayed as accused No.2 for the offences punishable under Section 17(e) of the Telangana State Public Distribution System (Control) Order, 2016.

2. Heard Mr.G.Raghu, 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.2 is that he has procured PDS rice from the beneficiaries at cheaper rate

to sell the same for profit and on 20.09.2023, the petitioner was found in possession of 50 plastic bags of PDS rice totalling 35.05 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.Nos.5709 of 2019 and 3349 of 2015, 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 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 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 petitioner herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in FIR No.252 of 2023 of Dichpally Police Station, Nizamabad District, against the petitioner/accused No.2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Judicial First Class Magistrate at Nizamabad (With records if any)
2. The Station House Officer, Dichpally Police Station, Nizamabad
3. One CC to Sri Gaje Raghu ,Advocate (OPUC)
4. Two CCs to Public Prosecutor, High Court of Telangana (OUT)
5. Two CD Copies

 Ks/ka

HIGH COURT

DATED: 05/05/2026

ORDER

CRLP.No.7172 of 2026



ALLOWING THE CRL.P.

⑧ MT
14/5/26