

**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: 7258 OF 2026

Between:

1. Mohd. Suthan Khan, S/o. Mohd Nabi Khan, Age 24 years, Occ Business, R/o. H.No. 7-12-98, Ashok Nagar, Nizamabad, Telangana State.
2. Shaik Zubeer @ Zubair, S/o. Shaik Sardar, Age 32 years, Occ Business, R/o. H.No. 7-12-98, AQshok Nagar, Nizamabad, Telangana State.
3. Arbaz Khan, , S/o. Ahmed Khan Age 23 years, Occ Labor, R/o . 9-13-125, Hajam Colony Nizamabad, Telangana State

...PETITIONERS/ACCUSED No. 1 to 3

AND

1. ThState of Telangana, Rep by its Public Prosecutor High Court at Hyderabad for the State of Telangana Through Central Crime Station Hyderabad
2. P Nikhil Raj, Occ Deputy Tahsildahar Civil Supplies R/o Nizamabad Telangana State

...RESPONDENTS/COMPLAINANTS

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 against the petitioners/Accused No: 1 to 3 in CC No. 1925 of 2025 on the file of the 1st Additional Judicial Magistrate of First Class at Nizamabad

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 petitioners/Accused No. 1 to 3 in CC No. 1925 of 2025 on the file of the 1st Additional Judicial Magistrate of First Class at Nizamabad pending disposal of the main criminal petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Alluri Divakar Reddy, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, learned Addl Public Prosecutor on behalf of the Respondents No.1 and none appears for 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.7258 of 2026

Date: 05.05.2026

Between:

Mohd. Suthan Khan and two others

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in C.C.No.1925 of 2025 on the file of the learned I Additional Judicial Magistrate of First Class, Nizamabad.

2. Heard Mr.Alluri Divakar Reddy, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioners/accused Nos.1 to 3 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 01.09.2025, the petitioners were found in possession of 12.95 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 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 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 petitioners herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.1925 of 2025 on the file of the learned I Additional Judicial Magistrate of First Class, Nizamabad, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SDI-P C SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Ist Additional Judicial First-Class Magistrate at Nizamabad.
2. The Station House Officer, Town I Police Station, Nizamabad District .
3. One CC to Sri Alluri Divakar Reddy, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

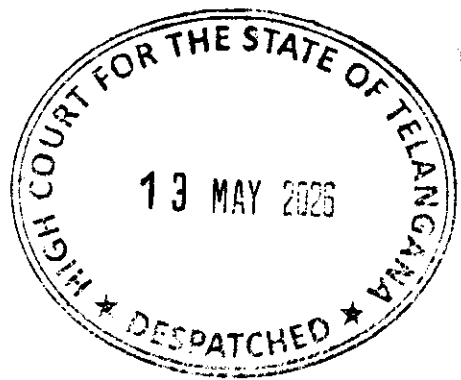
BJLB/GNK

HIGH COURT

DATED: 05/05/2026

ORDER

CRLP.No.7258 of 2026



CRIMINAL PETITION IS ALLOWED

⑧ nlt
12/5/26