

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

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO *

CRIMINAL PETITION NO: 7439 OF 2026

Between:

Syed Eshteshamuddin, s/o. Syed Ejazuddin, Aged 26 years, oc. Driver, r/o.
H.No. 18-8-242/A/42/6, Fatheshah Nagar, Moinabagh, Hyderabad.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. By the Public Prosecutor, Telangana High Court, Hyderabad
2. Mohd. Ahmed, s/o. Md. Bin Abdullah, Aged 49 years, occ. Sr. Checking Inspector, O/o. Asst. Civil Suply Office, Yakutpura Circle, Hyderabad

...RESPONDENT/RESPONDENT

Petition under Section 528 of BNSS.C 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. 3823 of 2023 on the file of the VII Addl. Chief Metropolitan Magistrate, at Nampally, Hyderabad, to the extent of the petitioner, who is arrayed as accused.

I.A. NO: 1 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 including the personal appearance in C.C. No. 3823 of 2023 on the file of the VII Addl. Chief Metropolitan Magistrate, at Nampally, Hyderabad, to the extent of the petitioners, who is arrayed as Accused.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M.W.R. Jayakar, Advocate for the Petitioner and the Public Prosecutor (TG) 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.7439 of 2026

Date: 06.05.2026.

Between:

Syed Eshteshamuddin

...Petitioner

AND

The State of Telangana. and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused seeking to quash the proceedings in C.C.No.3823 of 2023, on the file of learned VII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

2. Heard Mr.M.W.R.Jayakar, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioner/accused is that he has procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 28.02.2023, the petitioner was found

in possession of 60 plastic bags of PDS rice totalling 27.70 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.3823 of 2023, on the file of learned VII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, against the petitioner/accused, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/-K BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Addl. Chief Metropolitan Magistrate, at Nampally, Hyderabad.
2. The Station House Officer, Kanchanbagh Police Station, Hyderabad.
3. Two CCs to The Public Prosecutor, Telangana High Court, Hyderabad [OUT]
4. One CC to Sri M.W.R. Jayakar, Advocate [OPUC]
5. Two CD Copies

SR/GNK



HIGH COURT

DATED: 06/05/2026

ORDER

CRLP.No.7439 of 2026



CRIMINAL PETITION IS ALLOWED

②
2/13/15