

**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: 7513 OF 2026

Between:

1. Shaik Hussain, S/o Shaik Ahmed R/o 18-8-450/15, Edibazar, Santhosh Nagar, Hyderabad
2. Mohammed Waseemuddin S/o Mohammed Zahooruddin R/o 3-175/1/1, Royal Colony, Balapur, Ranga Reddy District
3. Sanjay Kumar S/o Krishna Yadav R/o Balapur, Ranga Reddy District, N/o.37, R-Block, MD Road, Gopal Nagar, Nagalagarh, Delhi

...PETITIONER/ACCUSED Nos.1 to 3

AND

1. The State of Telangana, Rep. By its public prosecutor, High Court, Hyderabad

...RESPONDENT/RESPONDENT

2. Sri R.Shiva Prasad, SI of Police, P.S.Santhoshnagar, Hyderabad

...RESPONDENT/COMPLAINANT

Petition under Section 482 of Cr.P.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.6693 of 2023 on the file of the VII Additional Chief Metropolitan Magistrate at Hyderabad to the extent of the Petitioners, who are arrayed as accused No.1 to 3.

I.A. NO: 1 OF 2026

Petition under Section 482 of Cr.P.C 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.6693 of 2023 on the file of the VII Additional Chief Metropolitan Magistrate at Hyderabad to the extent of the Petitioners, who are arrayed as accused No.1 to 3.

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 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.7513 of 2026

Date: 06.05.2026

Between:

Shaik Hussain 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.6693 of 2023. on the file of the VII Additional Chief Metropolitan Magistrate at Hyderabad.

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

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 10.08.2023, the

petitioners were found in possession of 45 bags of PDS rice each bag containing 40 kgs.

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 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 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.6693 of 2023, on the file of the VII Additional Chief Metropolitan Magistrate at Hyderabad, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- A V S PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The VII Additional Chief Metropolitan Magistrate at Hyderabad
2. The Station House Officer, Santoshnagar Police Station, Hyderabad
3. One CC to Sri M.W.R.Jayakar ,Advocate (OPUC)
4. Two CCs to Public Prosecutor, High Court of Telangana (OUT)
5. Two CD Copies

Ks/GNK

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HIGH COURT

DATED: 06/05/2026

ORDER

CRLP.No.7513 of 2026



ALLOWING THE CRL.P.

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