

**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: 7531 OF 2026

Between:

Soma Shekar@Soma Sivakumar, S/o Soma Sathyanarayana, R/o 2-6-50 Krishna
Talkies Road, Suryapet Post, Suryapet, Suryapet District -508213

...PETITIONER/ACCUSED No.2

AND

1. The State of Telangana, Rep.by the Public Prosecutor, Through Station House Officer, Suryapet Rural Police Station, Suryapet District, High Court at Hyderabad.
2. Sri L.Pandu Naik, ASI of Police (No..1586) Suryapet Rural Police Station, Suryapet District, Telangana

...RESPONDENT

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 call for the records in FIR No.136 of 2026 dated 01.05.2026 on the file of Police Station Suryapet Rural, Suryapet District and quash the same against the Petitioner/Accused No.2.

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 stay all further proceedings, including the arrest of the petitioner/Accused No.2 in relation to Crime FIR No.136 of 2026 dated 01.05.2026 on the file of Police Station Suryapet Rural, Suryapet District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Bhargavakrishna.L, 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.7531 of 2026

Date: 06.05.2026

Between:

Soma Shekar (@ Soma Sivakumar

...Petitioner

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.136 of 2026 of Suryapet Rural Police Station, Suryapet District, wherein the petitioner was arrayed as accused No.2 for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS'), Section 17(e) of the Telangana State Public Distribution System (Control) Order, 2016 and Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr.L.Bharghava Krishna, 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 01.05.2026, the petitioner was found in possession of 3 quintals 13 kgs of PDS rice.

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 CrI.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.136 of 2026 of Suryapet Rural Police

Station, Suryapet District, against the petitioner/accused No.2, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- A V S PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

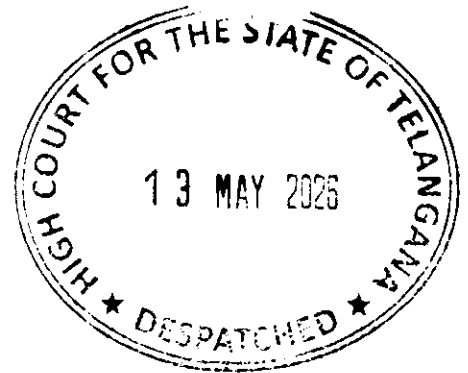
1. The I Additional Judicial First Class Magistrate at Suryapet. Suryapet District
2. The Station House Officer, Suryapet Rural Police Station. Suryapet District
3. One CC to Sri Bhargava Krishna.L, Advocate (OPUC)
4. Two CCs to Public Prosecutor, High Court of Telangana (OUT)
5. Two CD Copies

Ks/GNK



HIGH COURT

DATED: 06/05/2026



ORDER

CRLP.No.7531 of 2026

Allowing the Crl.P.

(SMT)
12/5/26