

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

**TUESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 8823 OF 2026

Between:

1. Aitharju Prasad, S/o Kashaiah, Aged about 37 years, Occ. Driver, R/o Venkatasai Function Hall, Hanuman Nagar Road No.5, Nalgonda. Native of Koppole Village, Gurrampode Mandal, Nalgonda District.
2. Soma Ramakrishna, S/o Narsimha, Aged about 44 years, Occ. Transport Business, R/o Rock Hills Colony, Hyderabad Road, Nalgonda II Town, Nalgonda District.
3. Palleboina Gopi Chand, S/o Venkatanarayana, Aged about 28 years, Occ. Business, R/o Shaer Mohammad Peta Village, Jaggaiah Peta Mandal, Krishna District, Andhra Pradesh.

...Petitioners/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Sri B. Giribabu, Police Constable No. 3805, Narketpally Police Station, Nalgonda District.

...Respondents

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 in CC.No. 860 of 2024 arising out of Crime No. 124 of 2024 of Narketpally Police Station, Nalgonda District, pending on the file of the Spl. JFCM Excise Judge, Nalgonda.

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 stay all further proceedings in CC.No. 860 of 2024 arising out of Crime No. 124 of 2024 of Narketpally Police Station, Nalgonda District, pending on the file of the Spl. JFCM Excise Judge. Nalgonda, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. Vishnu Kanth, Advocate for the Petitioners and the Additional 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.8823 of 2026

Date: 16.06.2026

Between:

Aitharju Prasad 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.860 of 2024 on the file of the learned Special Judicial First Class Magistrate, Excise Judge, Nalgonda.

2. Heard Mr.K.Vishnu Kanth, 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 10.05.2024, the petitioners were found in possession of 57 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 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 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 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 petitioners herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.860 of 2024 on the file of the learned Special Judicial First Class Magistrate, Excise Judge, Nalgonda, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

**SD/- M. NAGAMANI
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Judicial First Class Magistrate (Proh. & Excise), Nalgonda.
2. The Station House Officer, Narketpally P.S., Nalgonda District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad. [OUT].
4. One CC to Sri K. Vishnu Kanth, Advocate [OPUC]
5. Two CD Copies.

VC/BA 19

HIGH COURT

DATED: 16/06/2026

ORDER

CRLP.No.8823 of 2026



ALLOWED THE CRLP

8 copied
18
22/6/26