



2025:TSHC:45392

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 13689 OF 2025

Between:

Motam Guruvaiah, S/o. Mahankali, Aged 38 years, Occ: Business,
R/o. Kodurupaka Village, Sulthanabad Mandal,
Peddapalli District

...Petitioner/Accused No.4

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad.
2. Sri. B. Ramulu, Sub-Inspector of Police, Madaram P.S, Mancherial District

...Respondent

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 impugned proceedings in C.C.No. 295 of 2018, on the file of the Judicial Magistrate of the First Class Bellampalli, in so far as petitioner / Accused No. 4 is concerned.

I.A. NO: 2 OF 2025

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 grant interim stay of all further proceedings in C.C.No. 295 of 2018, on the file of the Judicial Magistrate of the First Class Bellampalli, including appearance and attendance of the petitioner / Accused No. 4.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Gaje Raghu, Advocate for the Petitioner and the Ms. Madhavi, Assistant Public Prosecutor on behalf of the Respondent No. 1.

The Court made the following: **ORDER**



2025:TSHC:45392

THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.13689 of 2025

ORDER:

This Criminal petition is filed by the petitioner/accused No.4 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in C.C.No.295 of 2018 on the file of the learned Judicial Magistrate of First Class, Bellampalli, registered for the offences under Sections 120 (b) and 420 of Indian Penal Code, 1860 (for short 'IPC') and Section 7 of the Essential Commodities Act, 1955.

2. Heard Sri G.Raghu, learned counsel for the petitioner as well as Smt. S.Madhavi, learned Assistant Public Prosecutor appearing for the respondents.

3. Learned counsel for the petitioner submits that the specific allegation against the petitioner is that he along with other accused have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 09.02.2018 at 08.00 hours, the petitioner along with other accused were found in possession of 20 tons of PDS rice.

4. Learned counsel for the petitioner would further 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 on his face value cannot be sustained against the petitioner. Further, this Court in Crl.P.Nos.5709 of 2019 and 33493 of 2015 while considering the same situation, categorically observed that the offences alleged against the petitioners therein cannot be continued and 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 Assistant Public Prosecutor submits that as per prosecution, the offence said to have been committed by the petitioners is cheating and violation of Section 7 of the Essential Commodities Act, 1955 and requested to pass appropriate orders.

6. Perused the material available on record.

7. Section 7 of the Essential Commodities Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities in this regard, is punishable. As per the prosecution, the petitioner had procured PDS rice from the beneficiaries after supply from the dealer.

8. 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 petitioners 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 petitioners 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 petitioners is abuse of process of law."

9. 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.

10. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.295 of 2018 on the file of the learned Judicial Magistrate of First Class, Bellampalli, against the petitioner-accused No. 4, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of the First Class Bellampalli
2. One CC to Sri Gaje Raghu, Advocate [OPUC]
3. Two CCs to The Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

KNK/PSL

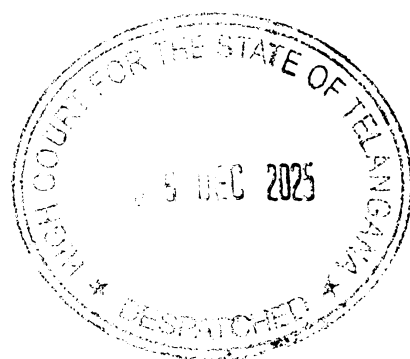
PA



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HIGH COURT

DATED:24/10/2025



ORDER

CRLP.No.13689 of 2025

PETITION IS ALLOWED

⑦ PA
17/11/25