

IN THE HIGH COURT FOR THE STATE OF TELANGANA

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

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 13707 OF 2025

Between:

1. Madanam Yellaiah, S/o. Madanam Ramaswamy, Aged 40 years, Occ Business, R/o. H.No.3-16-96, Rajaram Nagar, Armoor, Nizamabad District
2. Gaddam Sanjeevulu @ Sanjeev, S/o. Gaddam Ramulu, aged 43 years, Occ Business, R/o. H.No. 3-16-93/1, Rajaram Nagar, Armoor, Nizamabad District.
3. Nallamothu Nagesh, S/o. Nallamothu Venkata Ramaiah, Aged 52 years, Occ Business, R/o. H.No. 6-15-71, Pavan Nagar, Dubba, Nizamabad District.
4. Sohail Mohammad @ Mohammad Sohail, S/o. Shaik Haimad, aged 30 years, Occ Business, R/o. H.No. 1-7, Mamidipally Village, Armoor Mandal, Nizamabad District.

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court of Telangana, at Hyderabad
2. Marata Srinivas, Deputy Tahsildar (CS), Yergatla Mandal, Nizamabad District.

...RESPONDENT/COMPLAINANTS

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 F.I.R. No. 540 of 2025, on the file of the Armoor Police Station, Nizamabad District, in so far as Petitioners / Accused Nos. 2 to 5 are concerned.

I.A. NO: 2 OF 2025

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 grant interim stay of all further proceedings in FIR. No. 540 of 2025, on the file of the Armour Police Station, Nizamabad District., including appearance and attendance of the petitioners / Accused Nos. 2 to 5, 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 GAJE RAGHU, Advocate for the Petitioner and Smt. S. Madhavi the Assistant Public Prosecutor (TG) on behalf of the Respondent No. 1.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.13707 of 2025

ORDER:

This Criminal petition is filed by the petitioners/accused Nos.2 to 5 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of proceedings in FIR No.540 of 2025 on the file of the Armour Police Station, Nizamabad District, registered for the offences under Sections 318 (4) and 111 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955.

2. Heard Sri G.Raghu, learned counsel for the petitioners as well as Smt. S.Madhavi, learned Assistant Public Prosecutor appearing for the respondent No.1-State.

3. Learned counsel for the petitioners submits that the specific allegation against the petitioners is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 16.10.2025, the petitioners were found in possession of 65.10 quintals of PDS rice.

4. Learned counsel for the petitioners 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 petitioners for prosecution is untenable and improper. The allegations on their face value cannot be sustained against the

petitioners. Further, this Court in Cr.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 petitioners are also entitled to the same relief and hence prayed to quash the proceedings against the petitioners.

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 petitioners have procured PDS rice from the beneficiaries after supply from the dealer.

8. A Coordinate Bench of this Court in Cr.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 petitioners herein.

10. Accordingly, the Criminal Petition is allowed and the proceedings in FIR No.540 of 2025 on the file of the Armour Police Station, Nizamabad District, against the petitioners-accused Nos.2 to 5 are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- M NAGAMANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Armour, Nizamabad District.
2. The SHO Armour Police Station, Nizamabad District.
3. One CC to SRI. GAJE RAGHU Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR Advocate [OUT]

Two CD Copies

PA

HIGH COURT

DATED:24/10/2025



ALLOWED

CRLP.No.13707 of 2025

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u/11/25