



2026:TSHC:3131

[3303]

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

**MONDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 14935 OF 2025

Between:

1. Donkeshwar Venkatesham, S/o. Lakshmaiah, Age 49 years, Occ: Business, R/o. H No. 1-6-30/1, Siricilla Road, Kamareddy Mandal & District, Telangana State.
2. Gairaboina Surendhar, S/o. Ramaiah, Age: 52 years, Occ: DCM Owner, R/o. H.No.3-133/2,Devenpally Village, Kamareddy Mandal & District, Telangana State.
3. Suddala Naresh, S/o.Narsaiah, Age: 24 years, Occ: Driver, R/o. Nerel Village Gandhari Mandal, Kamareddy District, Telangana State

...Petitioners/Accused 1 TO 3

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana
2. Battu Praveen Kumar, S/o. Venkat Ramulu, Age 41 years, Occ: Dy.Tashildar (CS) Kamareddy, R/o. Flat No.202, VMC Residency, Kanteswar bypass road,Nizambad District , Telangana State

...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. 84 of 2021 on the file of the Judicial Magistrate of First Class at Banswada in so far as petitioners / Accused 1 to 3.



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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 stay of all further proceedings against the petitioners / Accused 1 to 3 in CC No. 84 of 2021 on the file of the Judicial Magistrate of First Class at Banswada pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Alluri Divakar Reddy, Advocate for the Petitioners and Sri Jithender Veeramalla, the Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No. 2.

The Court made the following: ORDER



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HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 14935 of 2025

DATE: 16.03.2026

Between :

Donkeshwar Venkatesham and two others

....Petitioners/Accused Nos.1 to 3

AND

The State of Telangana,
Rep. by the Public Prosecutor,
High Court at Hyderabad for the State of Telangana
and another

....Respondents

: O R D E R :

This Criminal Petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in C.C.No.84 of 2021 on the file of the Judicial Magistrate of First Class at Banswada, for the offences under Section 420 of the IPC and Section 7 of the Essential Commodities Act, 1955 (for short, 'EC Act').

2. Heard Mr. Alluri Divakar Reddy, learned counsel for the petitioners, and Mr. Jithendar Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1 State.

3. Learned counsel for the petitioners submitted that the specific allegation levelled against the petitioners is that they procured PDS rice



from the beneficiaries at a cheaper rate in order to sell it for profit and that they were found in possession of 140.05 Quintals of PDS Rice.

3.1. He further submitted 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 Crl.P.No.5709 of 2019 and 3349 of 2015, while considering the same situation, categorically observed that the offences alleged against the petitioner 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.

4. The learned Additional Public Prosecutor submitted that as per prosecution, the offence said to have been committed by the petitioners is cheating and violation of Section 7 of EC Act and requested to pass appropriate orders.

5. Section 7 of EC 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.

6. 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".

7. 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.

8. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.84 of 2021 on the file of the Judicial Magistrate of First Class at Banswada, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Banswada .
2. The Station House Officer, Birkur Police Station, Kamareddy.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Alluri Divakar Reddy, Advocate [OPUC]
5. Two CD Copies

Sa/kam



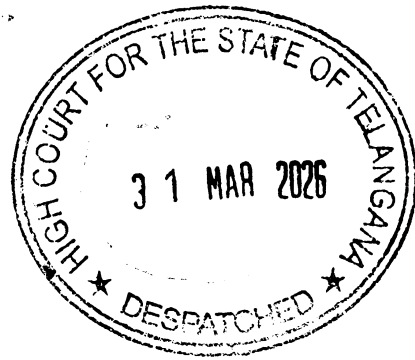
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HIGH COURT

DATED: 16/03/2026

ORDER

CRLP.No.14935 of 2025



ALLOWING THE CRIMINAL PETITION

8/17
30/3/26