IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIFTEENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION No: 17123 of 2026

Between:

Mohammed Khaja Pasha, S/o. Sirajuddin, Aged about 28 years, Occ. Business, R/o. H.No.11-160/63,BJR Nagar, Malkajgiri.

...Petitioner/Accused No.1

AND

1. The State of Telangana, Represented by Public Prosecutor, High Court of Telangana at Hyderabad.
2. N.Kondalu, S/o.Not Known, Aged about Not Known, Occ. Sub-Inspector of police Ps.Malkajgiri.

...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 proceedings in C.C.No.2162 of 2024, on the file of the Principal Judicial Civil Judge-Cum Metropolitan Magistrate, Medchal-Malkajgiri at Malkajgiri , arising out of Crime No.626 of 2024 of Malkajgiri Police Station, against the Petitioner/Accused No.1 for the offences punishable under Section 7 of the Essential Commodities Act, 1955.

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 grant stay of all further proceedings including the personal appearance of the Petitioner/A-1 in C.C.No.2162 of 2024, on the file of the Principal Judicial Civil Judge-Cum Metropolitan Magistrate, Medchal-Malkajgiri at Malkajgiri.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Makkena Revanth Babu, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondents.

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.17123 of 2026

CNR.No. HBHC010706202026

Date: 15.10.2026.

Between:

Mohammed Khaja Pasha

...Petitioner

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.1 seeking to quash the proceedings in C.C.No.2162 of 2024, on the file of learned Principal Judicial Civil Judge-cum-Metropolitan Magistrate, Medchal-Malkajgiri at Malkajgiri.

2. Heard Mr.M.Revanth, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioner that he has procured PDS rice and PDS wheat from the beneficiaries at cheaper rate to sell the same for profit and on 09.08.2024, the petitioner was found in possession of 23 quintals of PDS rice and 7 quintals of PDS wheat.

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 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 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 Essential

Commodities Act, 1955 (for short '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 C.C.No.2162 of 2024, on the file of learned Principal Judicial Civil Judge-cum-Metropolitan Magistrate, Medchal-Malkajgiri at Malkajgiri, against the petitioner/accused No.1, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- MOHD. OSMAN ALI BAIG,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Judicial Civil Judge-Cum Metropolitan Magistrate, Medchal-Malkajgiri at Malkajgiri
2. The Station House Officer, Malkajgiri Police Station, Rachakonda
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri Makkena Revanth Babu, Advocate [OPUC]
5. Two CD Copies

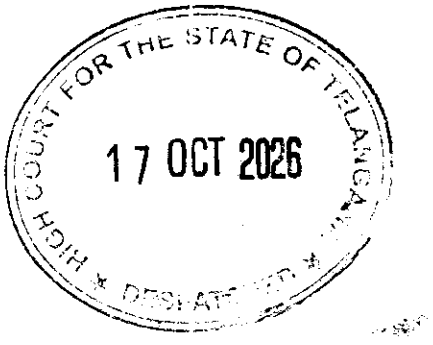
ABK

HIGH COURT

DATED: 15/10/2026

ORDER

CRLP.No.17123 of 2026



ALLOWING THE CRIMINAL PETITION

17/10/26