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: 17290 of 2026

Between:

1. Hymad @ Shaik Ahmed, S/o Shaik Ayyub, Age 36 years, Occupation: Business, R/o. Nizam Colony, Nizamabad Town and District, Telangana State.
2. Md. Imam Khan @ Mohammed Imram Khan, S/o Nazer Khan, Age 40 years, Occupation: Driver, R/o. H. No.9-20-1725/1, Auto Nagar, Nizamabad District, Telangana State.

...Petitioners/Accused No.1 and 2

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court, at Hyderabad for the State of Telangana.
2. P. Nikhil Raj, S/o. Not Known, Age years, Occ: DT(CS), R/o. Nizamabad 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 against the Petitioners /Accused No.1 and 2 in FIR No.142 of 2026 on the file of the SHO, Nizamabad Rural PS, Nizamabad District.

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 against the Petitioners/Accused in FIR No.142 of 2026 on the file of the SHO Nizamabad Rural PS, Nizamabad District for 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 Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 17290 of 2026
(CNR No. HBHC010707942026)

DATE: 15.10.2026

Between :

Hymad @ Shaik Ahmed and another

....Petitioners/Accused Nos.1 and 2

AND

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 and 2 seeking to quash the proceedings in F.I.R. No.142 of 2026 of Nizamabad rural Police Station, Nizamabad District, registered for the offences under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS') and Section 7 of the Essential Commodities Act, 1955 (for short, 'EC Act').

2. Heard Mr. A. Divakar Reddy, learned counsel for the petitioners, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1. With their consent, the criminal petition is being disposed of at the admission stage.

3. Learned counsel for the petitioners submitted that the petitioners have not committed the offences and have been falsely implicated in the present crime. Even according to the allegations levelled in the

complaint, the ingredients of the offences under Section 318(4) of the BNS and Section 7 of the E.C. Act are not attracted. Even according to the panchanama conducted by the Investigating Officer, the alleged PDS rice of 54.30 quintals was purchased from the cardholders.

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 Assistant 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 F.I.R. No.142 of 2026 of Nizamabad rural Police Station, Nizamabad District, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- B. PRIYADARSHINI JAISWAL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Judicial First Class Magistrate, Nizamabad
2. The Station House Officer, Nizamabad Rural Police Station, Nizamabad
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

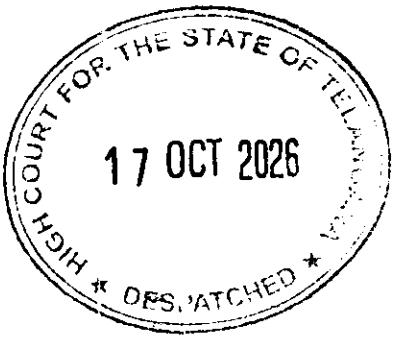
ARK

HIGH COURT

DATED: 15/10/2026

ORDER

CRLP.No.17290 of 2026



ALLOWING THE CRIMINAL PETITION

(8)
17/10/26