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: 17288 of 2026

Between:

1. Garka Srinivas, S/o. Poshanna, Aged 38 years, Occ. Labour, R/o. H.No. 5-35/5, Dabba Village, Ibrahimpatnam Mandal, Jagtial District. Pincode. 505450.
2. Angadi Rajendhar, S/o. Gangaram, Aged 29 years, Occ. Labour, R/o. H.No. 2-93, Metpally Town and Mandal, Jagtial District. Pincode. 505325.

...Petitioners/Accused Nos.1 and 2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad.
2. Sri. D. Srinivas, HC-412, Metpalli P.S, Jagtial District. Pincode. 505325.

...Respondents/Complainant

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.376 of 2022, on the file of the Judicial Magistrate of First Class at Metpally, in so far as Petitioners/Accused Nos. 1 and 2, are concerned.

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 interim stay of all further proceedings in proceedings in C.C. No.376 of 2022, on the file of the Judicial Magistrate of First Class at Metpally, including appearance and attendance of the Petitioners/ Accused Nos.1 and 2, 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 Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondents.

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. 17288 of 2026
(CNR No. HBHC010718592026

DATE: 15.10.2026

Between :

Garka Srinivas 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 C.C.No.376 of 2022 on the file of the Judicial Magistrate of First Class at Metpally, for the offences under Section 420 of the Indian Penal Code, 1860 (for short, 'the IPC') and Section 7 of the Essential Commodities Act, 1955 (for short, 'EC Act').

2. Heard Mr. G. Raghu, learned counsel for the petitioners, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent Nos.1 and 2.

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 420 of the IPC 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 4.50 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 C.C.No.376 of 2022 on the file of the Judicial Magistrate of First Class at Metpally, against the petitioners/accused Nos.1 and 2, are hereby quashed.

Miscellaneous applications, pending if any, shall stand closed.

SD/- M NAGAMANI
ASSISTANT REGISTRAR

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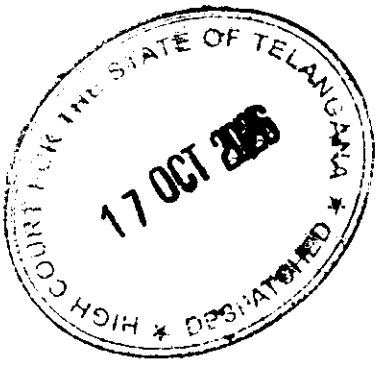
SECTION OFFICER

To,

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

HIGH COURT

DATED: 15/10/2026



ORDER

CRLP.No.17288 of 2026

ALLOWING THE CRIMINAL PETITION

8 Copies

17/10/26

R.R