

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.1299 of 2026

Date: 04.02.2026

Between:

Sirigiri Shanker and two others

...Petitioners

AND

The State of Telangana,
Rep. by its Public Prosecutor,
High Court of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.1423 of 2023, on the file of the Principal Junior Civil Judge-Cum-Judicial Magistrate of First Class, Hanumakonda, Hanumakonda District, wherein the petitioners were arrayed as accused Nos.3 and 6, for the offences punishable under Section 420 of the Indian Penal Code, 1860 (for short 'IPC') and Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr.Kandhikatla Sai Krishna, learned counsel for the petitioners and Mr.M.Ramachandra Reddy, learned Additional Public Prosecutor for respondent No.1.

3. The specific allegation against the petitioners/accused Nos.3 and 6 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 08.01.2023 at about 12:30 hours, the petitioners were found in possession of 20 bags of PDS rice totalling 5 quintals.

4. Learned counsel for the petitioners 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 petitioners for prosecution is untenable and improper. The allegations, even taken at their face value cannot be sustained against the petitioners. 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 petitioners are also entitled to the same relief and hence prayed to quash the proceedings against the petitioners.

5. The learned Additional Public Prosecutor submits that as per prosecution, the offences said to have been committed by the petitioners is cheating and violation of Section 7 of the 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 petitioners have 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 petitioners herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in in C.C.No.1423 of 2023, on the file of the Principal Junior Civil Judge-Cum-Judicial Magistrate of First Class,

Hanumakonda, Hanumakonda District, against the petitioners/accused Nos.3 and 6, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J. SREENIVAS RAO

04.02.2026

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