

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

**MONDAY, THE TWENTY SEVENTH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX**

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 6407 OF 2026**

**Between:**

1. Syed Zubair, S/o. Syed Nazeer, (Shown in F.I.R. as Syed Juber) Age. 27 Years, Occ. Driver, R/o. H. No. 4-1-74, Aneesa Nagar, Achampalle Rural Village, Bodhan Mandal, Nizamabad District.
2. Syed Sameer, S/o. Syed Nazeer. Age. 25 Years, Occ. Business, R/o. H. No. 4-1-74, Aneesa Nagar, Achampalle Rural Village, Bodhan Mandal, Nizamabad District.
3. Sakilam Srinivas, S/o. Sakilam Chandram, Age. 47 Years, Occ. Business, R/o. H. No. 1-4-351, Saraswathi Nagar, Bodhan Village and Mandal, Nizamabad District.

**.. PETITIONERS/ACCUSED No's. 1 to 3**

**AND**

1. The State of Telangana,, through S.H.O., P.S. Bodhan Rural, Nizamabad District, represented by Public Prosecutor, High Court at Hyderabad.

**...RESPONDENT**

2. Sri. Gedam Hanuman, S/o. Jagannath, Age. 54 Years, Occ. Deputy Tahsildar (CS). Bodhan Mandal, R/o Tailors Colony Adilabad Proper and District Cell No 798214062

**...RESPONDENT/DEFACTO 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 F.I.R. No. 80 of 2025, of P.S. Bodhan Rural, Nizamabad District, as against the Petitioners/Accused No 1 to 3

**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 arrest of the Petitioner/Accused No's. 1 to 3 in F.I.R. No. 80 of 2025, of P.S. Bodhan Rural, Nizamabad District,

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. Venumadhav, Advocate for the Petitioners 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.6407 of 2026**

**Date: 27.04.2026**

**Between:**

Syed Zubair and two others

...Petitioners

**AND**

The State of Telangana, and another

...Respondents

**ORDER**

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.80 of 2025 on the file of the Bodhan Rural Police Station, Nizamabad District, wherein the petitioners were arrayed as accused Nos.1 to 3, for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act').

2. Heard Mr.K.Venumadhav, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. The specific allegation against the petitioners/accused Nos.1 to 3 is that they have procured PDS rice from the beneficiaries at cheaper rate to sell the same for profit and on 16.04.2026, the petitioners were found in possession of 16 bags of PDS rice totalling 5.85 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 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 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 FIR No.80 of 2025 on the file of the Bodhan Rural Police Station, Nizamabad District, against the petitioners/accused Nos.1 to 3, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

**SD/- P.C.SULEKHA DEVI  
ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Judicial First Class Magistrate at Bodhan
2. The Station House Officer, Bodhan Rural Police Station, Nizamabad District
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri K. Venumadhav, Advocate [OPUC]
5. Two CD Copies

VH/KA

*Q. D.*

**HIGH COURT**

CC-TOVAX

**DATED: 27/04/2026**

**ORDER**

**CRLP.No.6407 of 2026**



**ALLOWING THE  
CRIMINAL PETITION**

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04/05/2026