Date of reserved for orders : -
Date of pronouncement : 31.08.2026
Date of uploading : 01-09-2026

APHC010108732023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

MONDAY, THE 31st DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 1709 OF 2023

Between:
Thodeti Benzmen, S/o. Samsonu,
Aged 42 years, R/o. 2-48, Ambapuram,
Vijayawada Rural Krishna District 520012

...Petitioner

AND

1. The State of Andhra Pradesh,
   Through SHO, Governorpet P.S. Vijayawada,
   Krishna District Rep by its
   Public Prosecutor, High Court Buildings,
   Amaravati.

2. Bachu Chenchu Ranga Nayakulu, S/o. Subbarayudu
   Aged 63 years, R/o. D.No. 43-78-15,
   Krishna Hotel Centre, A.S.Nagar, Vijayawada

...Respondents

Counsel for the Petitioner: ARUN SHOWRI G

Counsel for the Respondents: B V S CHALAPATI RAO

Counsel for the Respondents: PUBLIC PROSECUTOR (AP)

The Court made the following order:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No.1709 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner/ accused No.4 to quash the proceedings in Crime No.103 of 2023 dated 23.02.2023 of Governorpet Police Station, Vijayawada.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor.

3. Learned counsel for the petitioner submitted that the petitioner/ accused No.4 is innocent, has not committed any offence as alleged by the respondent No.4 and he is no way concerned with the allegations leveled in the report and only to harass the petitioner, respondent No.2 gave report and the investigating officer is trying to take coercive steps against the petitioner/ accused No.4.

4. Learned Assistant Public Prosecutor who has taken notice on behalf of respondent No.1 fairly submitted that a direction may be given to the Investigating Officer to follow the procedure in accordance with law.

5. Learned counsel for the petitioner further would argue that a direction may be given to the police not to take any coercive steps against the petitioner/ accused No.4. The said argument also cannot be taken into consideration in view of the law laid down by the Hon'ble Apex Court in

Neeharika Infrastructure Private Limited v. State of Maharashtra and others[1]***.*** In this case while formulating guidelines for quashing of First Information Report, Hon'ble Apex Court held that an order of not to arrest and/ or 'no coercive steps' either during the investigation or till the investigation is completed and/ or till the final report/ charge sheet is filed under Section 173 of the Code of Criminal Procedure shall not be passed while dismissing/ dispose of the quash petition filed under Section 482 of the Code of Criminal Procedure and/ or under Article 226 of Constitution of India.

6. Learned counsel for the petitioner fairly conceded to dispose of this petition by giving a direction to the investigating officer to follow the procedure in accordance with law.

7. In the result, this Criminal Petition is disposed of and the investigating officer i.e., the Station House Officer, Governorpet P.S., Vijayawada is directed to proceed in accordance with law to complete investigation.

As a sequel thereto, pending miscellaneous petitions, if any, shall stand closed.

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SUNITHA GANDHAM, J

31.08.2026
knl

[1] (2021) 19 SCC 401