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APHC010298152026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3504]**
(Special Original Jurisdiction)

WEDNESDAY, THE 8th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 4795/2026

Between:

1. UDAY KUMAR,, S/O. B. SAI PRASAD, AGED ABOUT 23 YEARS. RESIDENTS OF H. NO. 76/106/A/I0/1 GURU RAGHAVENDRA NAGAR, NEAR BELLARI CHOWRASTHA, KALLURU, KURNOOL CITY, KURNOOL DISTRICT, ANDHRA PRADESH.
2. SATYAM,, S/O. B. SHANKARAIAH, AGED ABOUT 42 YRS. RESIDENTS OF H. NO. 76/106/A/10/1, GURU RAGHAVENDRA NAGAR, NEAR BELLARI CHOWRASTHA, KALLURU, KURNOOL CITY, KURNOOL DISTRICT, ANDHRA PRADESH.
3. B. SAI PRASAD,, S/O. B. SHANKARAIAH, AGED 50 YRS RESIDENTS OF H. NO. 76/106/A/10/1, GURU RAGHAVENDRA NAGAR, NEAR BELLARI CHOWRASTHA, KALLURU, KURNOOL CITY, KURNOOL DISTRICT, ANDHRA PRADESH.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, KURNOOL II TOWN POLICE STATION, REP. THROUGH ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P.
2. RAGURI GAYATHRI HASYA, D/O. GIRI PRATHAP, AGED 21 YEARS, RESIDENT OF H. NO. 43/75, NARASINGA RAO PETA, KURNOOL CITY, KURNOOL DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtpleased to quash the proceedings of FIR in Crime No. 91 of 2026 on the file Kurnool II Town Police Station, Kurnool, Kurnool District, dated 19.05.2026 registered under section 78(2), 308(2), 329(4), 351 (2), 49, r/w. 3(5) of BNS act 2023

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased to dispense with filing of the original certified copy of FIR in Crime No. 91 of 2026 on the file Kurnool II Town Police Station, Kurnool, Kurnool District, dated 19.05.2026 registered under section 78(2), 308(2), 329(4), 351(2), 49, r/w. 3(5) of BNS act 2023 before this Hon'ble Court

IA NO: 2 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased to stay all further proceedings in FIR in Crime No. 91 of 2026 on the file Kurnool II Town Police Station, Kurnool, Kurnool District, dated 19.05.2026 registered under section 78(2), 308(2), 329(4), 351(2), 49, r/w. 3(5) of BNS act 2023 pending disposal of the Criminal Petition before this Hon'ble Court

Counsel for the Petitioner/accused(S):

1. PATHI SIVA PRASAD

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR
2. GANTA EDIGA RAKESH GOUD

The Court made the following Order:

This Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 has been filed on behalf of the petitioners herein/A1 to A3 to quash the proceedings in Crime (FIR) No.91 of 2026 of Kurnool II Town Police Station, Kurnool District, registered for the offences punishable under Sections 78(2), 308(2), 329(4), 351(2) & 49 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the petitioners, after arguing for some time, has confined his argument to the extent of protecting the petitioners herein from the police on the ground that the offences alleged are punishable with imprisonment of less than seven (07) years and prays this Court to direct the police to follow the procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. On the other hand, Sri Neelothpal Ganji, learned Assistant Public Prosecutor did not oppose the same and concurred with the submission made by the learned counsel for the petitioners for the reason that the offences alleged are punishable with imprisonment of less than seven years.

4. Heard. Perused the entire available material on record.

5. Since the offences alleged are punishable with imprisonment of less than seven years and in view of the no objection expressed by the Assistant Public Prosecutor, this Court directs the respondent/police to follow the

procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 41A Cr.P.C., scrupulously as per the guidelines enunciated in ***Arnesh Kumar Vs. State of Bihar and another***[1]***,*** which was reiterated in the judgment of the Hon'ble Apex Court in ***Md.Asfak Alam Vs. State of Jharkhand and Another***[2]***.***

6. Accordingly, this Criminal Petition is disposed of.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

MAHESWARA RAO KUNCHEAM, J

Dated: 08.07.2026
MDP

1 (2014) 8 SCC 273
2 (2023) 8 SCC 632