APHC010334242026

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

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 5324/2026

Between:

1. KALIVELA KIRAN KUMAR, S/O. RAMAIAH,AGED 37 YEARS, R/O. D.NO. 5-636-C,SANTHAMAIDANAM,SRIKALAHASTI I TOWN, TIRUPATI,TIRUPATI DISTRICT.

...PETITIONER/ACCUSED

AND

1. KALIVELA KAVITHA, W/O. K. KIRAN KUMAR,AGED 34 YEARS, R/O. 5/626-C,SANTHAMAIDANAM,SRIKALAHASTITOWN,TIRUPATI DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESHAT AMARAVATI.

...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 against the petitioner/accused No. 1 in Cr.No. 49/2026 of Srikalahasthi I Town U Police Station, Tirupati District and to pass

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 pleased to dispense with the filing of certified copy of the FIR in Cr No. 49/2026 of Srikalahasthi I Town U Police Station Tirupati District and pass

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 pleased to stay all further proceedings against the Petitioner/accused No.l in Cr.No. 49/2026 of Srikalahasthi I Town U Police Station, Tirupati District and pass

Counsel for the Petitioner/accused:

1. N PAVAN KUMAR

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR
2.

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 5324 of 2026

The Court made the following Order:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioners herein, seeking to quash the proceedings in Crime in FIR No.49 of 2026 of Srikalahasthi I Town U Police Station, Tirupati District, for the offence punishable under Sections 85, 82(1) read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioner, after arguing for some time, has confined his argument to the extent of protecting the petitioner 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, 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 ***Satendar Kumar Antil Vs. Central Bureau of Investigation and Another***[2]***.*** If It is noticed in the course of investigation that the petitioner has committed any offence which is punishable with imprisonment beyond seven years, the investigating officer is at liberty to proceed in accordance with the law.

6. Accordingly, this Criminal Petition is disposed of.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 21.07.2026
PSA

1 (2014) 8 SCC 273
2 2026 SCC OnLine SC 162

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

83

CRIMINAL PETITION NO: 5324 of 2026

Date: 22.07.2026

PSA