APHC010396072026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE 10th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 6518 OF 2026

Between:

1. Arava Bhanubee, W/o Abdul RaheemAged about 40 years, Occ Home MakerR/o 05-45, Block 103, Tampiness Street-11Singapore-520103Currently Residing at 4-60, Tekyala Street, Near Old MasjidPeddamudiam Village, Kadapa, Y.S.R Kadapa District-516411.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Public Prosecutor,High Court of Andhra Pradesh.

2. Thathamsetty Nagendra, S/o Venkata KrishnaAged about 52 yars, Occ PoliticianR/o RIy.Kodur, Annamayya District.

...Respondents

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 Courtcall for the records in crime No 297 of 2024 on the file of Kodur Police Station, Annamayya District and quash the same the Petitioner/Accused No. 1

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 dispense with filing of the original certified copy in F.I.R No. 297 of 2024, dated 01.11.2024, On the file of the Kodur Police Station, Annamayya District 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 stay all further proceedings in crime No. 297 of 2024 on the file of Kodur Police Station, Annamayya District

Counsel for the Petitioner: RAMALAKSHMANA REDDY SANEPALLI

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 6518 of 2026

The Court made the following Order:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the petitioner herein (A1), seeking to quash the proceedings in FIR in Crime No.297 of 2024 of Kodur Police Station, Annamayya District, for the offence punishable under Sections 352, 353(1)(c), 353(2) & 79 of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the petitioner submits that pursuant to the Order dated 31.07.2026, he has taken notice on respondent No.2 and filed a memo of proof of service to that effect.

3. Despite service of notice, none represented respondent No.2.

4. 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.

5. 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 petitioner for the reason that the offences alleged are punishable with imprisonment of less than seven years.

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

7. Since the offences alleged in FIR in Crime No.297 of 2024 of Kodur Police Station, Annamayya District 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.***

[1] (2014) 8 SCC 273

Central Bureau of Investigation and Another[2] in FIR in Crime No.297 of 2024 of Kodur Police Station, Annamayya District.

8. 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 law.

9. Accordingly, this Criminal Petition is disposed of.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 10.08.2026
PSA

[2] 2026 SCC OnLine SC 162

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 6518 of 2026

Date: 10.08.2026

PSA