APHC010447022026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI (Special Original Jurisdiction)

[3504]

WEDNESDAY, THE 9th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 7429/2026

Between:

1. TURANGULA LOVA LAKSHMI, W/O. SANJEEVU,AGED ABOUT 45 YEARS, OCC PVT. EMPLOYEE.
2. TURANGULA SANJEEVU ALIAS SANGEEVULU,, AGED ABOUT 48 YEARS, OCC RAILWAY EMPLOYEE.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, ,REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AMARAVATHITHROUGH S.H.O. OF REPALLE POLICE STATION,REPALLE, BAPATIA DISTRICT GUNTUR
2. VADAPALLI VANISRI, W/O. PRASAD, AGED 44 YEARS. EMPLOYEE,R/O. D.NO. NOT KNOWN, 3RD WARD, REPALLE TOWN,REPALLE MANDAL, GUNTUR DISTRICT - 52

...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 Courtquash the FIR No. 93 of 2026, dated 24-07- 2026 of the

Repalle Town Police Station, Guntur District, registered for the offences punishable U/s 318(4) r/w 3(5) of BNS against the Petitioners/Accused 1 2 and 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 certified copy of FIR.No. 93 of 2026, dated 24-07-2026 on the file of the Repalle Town Police Station, Guntur District, before this Hon'ble Court 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 of all further proceedings i FIR No. 93 of 2026, dated 24-07-2026 of the Repalle Town Police Station, Guntur District, registered for the offences punishable U/s 318(4) r/w 3(5) of BNS against the Petitioners/Accused 1 & 2, and pass

Counsel for the Petitioner/accused(S):

1. YADAVALLI RAMESH

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 7429 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 (A1 and A2), seeking to quash the proceedings in FIR in Crime No.93 of 2026 of Repalle Town Police Station, Guntur District, for the offences punishable under Section 318(4) r/w 35 of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioners submits that pursuant to the Order dated 25.08.2026, 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 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.

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 petitioners 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. 93 of 2026 of Repalle Town Police Station, Guntur 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. Central Bureau of Investigation and Another***[2] in FIR in Crime No.280 of 2024 of I Town Police Station, Visakhapatnam Commissionerate District.

---

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

8. If it is noticed in the course of investigation that the petitioners have 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: 09.09.2026
vnb

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 7429 of 2026

Date: 09.09.2026

vnb