APHC010327892026

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

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 17291 OF 2026

Between:

1. M A J M SINGH, S/o M.A. Jacob, Aged about 44 years, R/o D.No.2-5-8/1, Manepalli Jacob Street, Sriharipeta, Narsapuram, West Godavari District.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Home Department, Rep by its Principal Secretary, Secretariat Buildings, Secretariat, Velagapudi Amaravati, Guntur District.
2. The Director General of Police, Andhra Pradesh State, Mangalagiri, Guntur District.
3. The Superintendent of the Police, West Godavari District at Bheemavaram.
4. G Kali Charan, Inspector of Police, Akiveedu Circle, West Godavari District. (The respondent No.4 is not necessary party)

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to writ order or directions more particularly one in the nature of issue a Writ of Mandamus declaring the action of the 3rd respondent in framing the Articles of charges against the petitioner through Proceedings in C.NO.3397/A6/2024, dated 25.01.2025 in relation Crime No. 193 of 2024 and Crime No.232 of 2024 on the file of the Narsapuram Town Police Station, by appointing the 4th respondent as enquiry officer, when the petitioner honourably acquitted by the competent criminal court vide C.C.No.94 of 2025 (Crime No.193 of 2024) and PSCNo..5 of 2025 (Crime No.232 of

2024), dated 16.03.2026 and 10.07.2025 respectively on the file of the Additional Civil Judge (Junior Division)- cum-Addl. Judicial Magistrate of First Class, Narsapur and Special Court for Speedy Trial of offences under the protection of Children from Sexual Offences Act respectively is highly illegal, arbitrary, unconstitutional, unjust, unfair and oppressive in violation of Articles 14 and 21 of the Constitution of India, set aside the same and to pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to stay of all further proceedings pursuant to the Proceedings in C.No.3397/A6/2024, dated 25.01.2025 in relation Crime No.193 of 2024 and Crime No.232 of 2024 on the file of the Narsapuram Town Police Station disposal of the writ petition and to pass

Counsel for the Petitioner: V V N NARAYANA RAO
Counsel for the Respondents: GP FOR SERVICES I
The Court made the following order:

HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.17291 of 2026

ORDER:

This Writ Petition is filed to quash the Articles of charges framed against the Petitioner vide proceedings, dated 25.01.2025 with regard to Crime No.193 of 2024 and Crime No.232 of 2024 on the file of Narsapuram Town Police Station, West Godavari District.

2) Facts leading to filing of the writ petition are as under:

Petitioner is presently working as Head Constable at Narsapuram, West Godavari District. While so, a criminal case was registered vide Crime No.193 of 2024 in Narsapuram Police Station, for the offences under Sections 127(2), 118(1), 318(4), 351(2) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'). The charge sheet filed was taken cognizance by the jurisdictional Criminal Court and numbered as C.C.No.94 of 2025 before the learned Additional Chief Judge (Junior Division)-cum-Additional Judicial Magistrate of 1st Class, Narsapur. At the same time, another criminal case was registered against the Petitioner vide Crime No.232 of 2024 for the offences under Sections 329(4), 75(2), 351(2) and 111(2) of BNS by the Narsapur Town Police Station and the same was numbered as POCSO Sessions Case No.05 of 2025.

3) Heard Sri V.V.N. Narayana Rao, learned counsel for Petitioner and learned Government Pleader for Services-I appearing for Respondent No.3.

4) The allegations in C.C.No.94 of 2025 are that the complainant-Kusume Kishore, resident of Chakirevu Gunta, Junnuru Village, Poduru Mandal and his elder brother Kiran Kishore Babu are the children of A.2 and A.3, who have deceived several people by falsely promising to send them to Gulf by providing Visas and A.3 cheated one Chanti of Tanuku for an amount of Rs.1,00,000/-. The allegation against the Petitioner was that on 02.10.2024, the Petitioner joined hands with Pudi Betti Subha Ratnam, S/o Yacob, and had wrongfully confined him with handcuffs and one Kusume Kishore beat him with Lathi. On the complaint of Kusume Kishore, case was registered against the Petitioner. The trial Court examined as many as eight (8) witnesses, including the complainant i.e., Kusume Kishore and after thorough trial, acquitted the Petitioner for the alleged offences vide Judgment dated 16.03.2026 and the same attained finality and no appeal was filed thereon. The relevant portion of the Judgment is extracted below:

> *"48. In order to establish the guilt of the accused for the offences punishable under Sections 127(2), 118(1), 318(4), 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 the prosecution is required to prove the essential ingredients of each offence beyond reasonable doubt.*
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> *49. Firstly to attract Section 127(2) BNS (wrongful confinement), the prosecution must prove that the accused intentionally confined the victim and prevented him from proceeding beyond certain limits. In the present case, though P.W.1 and P.W.2 alleged that P.W.1 was tied with handcuffs and confined, the prosecution failed to seize the alleged handcuffs or produce them before the Court. Even the investigating officer admitted during cross-examination that no enquiry was made with the concerned police station regarding the handcuffs allegedly used by A1. In the absence of recovery*

of the alleged articles and reliable corroboration, the allegation of wrongful confinement becomes doubtful.

50. Secondly for the offence under Section 118(1) BNS (voluntarily causing hurt), the prosecution must prove that the accused caused bodily pain or injury to the victim. However, the medical evidence of P.W.6 shows that no external injuries were found on P.W.1, and the doctor only recorded complaints of pain. The X-ray examination also did not reveal any abnormality. Thus, the medical evidence does not convincingly support the allegation that the accused beat P.W.1 with a lathi as alleged.

51. Thirdly with regard to Section 318(4) BNS (cheating), the prosecution must establish that the accused dishonestly induced the victim by deception and thereby caused delivery of property or valuable security. In the present case, the alleged transaction relates to the amount said to have been paid by L.W.3 to A3 for visa purposes. However, L.W.3, who is the crucial witness to prove the alleged transaction, was not examined before the Court. Therefore, the very foundation of the alleged cheating is not proved.

52. Fourthly to constitute an offence under Section 351(2) BNS (criminal intimidation), it must be proved that the accused threatened the victim with injury with an intention to cause alarm. In the present case, apart from the interested testimony of P.Ws.1 and 2, there is no convincing independent evidence to establish that the accused criminally intimidated them in the manner alleged. Lastly the prosecution also invoked Section 3(5) BNS alleging that the accused acted with common intention. However, when the individual acts constituting the offences themselves are not proved satisfactorily, the question of fixing joint liability under Section 3(5) BNS does not arise.

*53. **In the result**, the A1 and A2 are found not guilty for the offence punishable under section 127(2), 118(1), 318(4), 351(2) r/w 3(5) B.N.S. Act., and they are acquitted under Section 271 (1) of B.N.S.S.. The bail bonds of the accused shall remain in force for a period of six months as contemplated U/Sec.437-A Cr.P.C. No property is produced in this case.*

5) Coming to the second criminal case i.e., POCSO Sessions Case No.05 of 2025, the complainant i.e., PW.2, by name, Ragolu Padma had turned hostile and in that view, the Special POCSO Court vide Judgment dated 10.07.2025 acquitted the Petitioner for the alleged

offences and the said judgment of acquittal had attained finality and no further appeal was filed. The relevant portion of Judgment is extracted below:

> *"9. **Point**:*
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> *As we have already observed the accused arried for the charges levelled against him based on the report of P.W.1. Though PW1, who is defacto complainant/mother of victim herein made certain allegations against the accused as we observed from the story of prosecution, but strangely PW1 i.e., defacto complainant hostile to her allegations levelled against the accused simply deposed she do not know anything about this case and within her knowledge, no offence has been taken against her daughter. PW2 i.e., victim also repeated the version of PW1. As such, PW1 and PW2 not supported the case of prosecution. When victim and her mother not supported the version of the prosecution, learned Special Public Prosecutor given up the evidence of L.Ws.3 to 12, examined only P.W.3 who is nothing but investigation Officer. Inspite of the witness who supported the case of prosecution, PW3 who registered the case and investigated. The investigating officer i.e., PW3 testified based on the record about his investigation basing on the statement of PW1. Hence, based on the evidence of P.W.3 is not at all safe to punish the accused for the leveled charges. As such, prosecution miserably failed to prove the guilt of accused as per law. Accordingly this point is answered.*
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> *10. In the result, the Accused is found not guilty for the charges under Sections 329(4), 75(2), 351(2) and 111(2) of BNS and Section 12 of POCSO Act and he is acquitted under Section 258(1) of BNSS. His bail bonds shall be in force for a period of Six Months as required under Section 481 BNSS. Unmarked case property if any shall be destroyed after expiry of appeal time upon confirming that there is no appeal pending."*

6) While so, a departmental enquiry was initiated against the Petitioner vide impugned proceedings dated 25.01.2025 for his involvement in the criminal cases. The solitary article of charge against the Petitioner reads as under:

> *"Statement of Articles of charge framed against Sri M.A.J.M. Singh, HC-1641, Poduru PS of West Godavari District "for*

exhibiting gross reprehensible and criminal misconduct by induclging in crime during the sick period between 17.06.2024 to 24.11.2024 and involving as an accused in Cr.No.232 of 2024 u/s 329(4), 75(2), 351(2) BNS and Sec.12 POCSO Act, 2012 of Narsapuram Town PS and Cr.No.193/2024 u/s 129(2), 118(1), 318(4), 351(2) r/w 3(5) BNS of Narsapuram Town PS. Thereby he behaved in the manner unbecoming a member of Police Department and violated Rule 3 of APCS (Conduct) Rules, 1964."

7) The witnesses in both criminal cases and the departmental enquiry are very same individuals who have been examined by the Criminal Court in C.C.No.94 of 2025 and POCSO Sessions Case No.05 of 2025. For ready reference, the commonality of the witnesses is as under:-

List of witnesses in C.C.No.94/2025:	List of witnesses in POCSO Sessions Case No.5/2025	List of witness in the departmental enquiry
Pw.1: Kusume Kisohre Pw.2: Kusume Kiran Kishore Pw.3: Kesarapalli Jayaraju Pw.4: Pyala Prasad Pw.5: K. Vijaya Durga Pw.6: Dr. J. Ganesh Pw.7: T. Paparao, Head Constable **Pw.8: Ch. Jayalakshmi**, Sub-Inspector of Police	Pw.1: Ragolu Padma Pw.2: Victim **Pw.3:Ch.Jaya Lakshmi (SI)**	**1. Kusume Kishore, Poduru Mandal.** 2. Vedangi Chanti, Attili Mandal. **3. Kasarapalli Jayaraju, Poduru Mandal** 4. Vardhanapu Prema Kumar, Poduru Mandal. **5. Kusume Kiran Kishore Babu, Poduru Mandal.** **6. Pyla Prasad, Narsapuram Town.** 7. Vada Swapna, Narsapuram Town. **8. Ragolu Padma, Narsapuram Town.** 9. Ragolu Keerthana, Narsapuram. 10. Sri G. Srinivas, Inspector of Police, Palakole. 11. Sri B. Yadagiri, Inspector of Police, Narsapuram Town PS. 12. Sri K. Sudhakar Reddy, SI of Police, Pduru PS. 13. Sri B. Surendra Kumar, the then SI, Poduru PS. **14. Smt Ch. Jaya Lakshmi, SI, Narasapuram Town.** 15. Sri O. Srinivasarao, Narsapuram. 16. Sri A. Ramesh Inspector of Police, Tadepalligudem Rural Circle. **17. Sri T. Paparao, HC-62, Narsapuram Town PS.** 18. Sri G. Ramesh Babu, HC-351, Poduru PS.

8) The documents relied upon in the enquiry are also the documents relied upon in the criminal cases i.e., statements made to the Police, Arrest/Surrender Memos, and case diaries, etc., The evidence in the departmental enquiry is verbatim similar to the criminal cases as reiterated by the Apex Court in ***Maharana Pratap Singh v. The State of Bihar and others***[1] held as under:

> *47. While an acquittal in a criminal case does not automatically entitle the accused to have an order of setting aside of his dismissal from public service following disciplinary proceedings, it is well-established that when the charges, evidence, witnesses, and circumstances in both the departmental inquiry and the criminal proceedings are identical or substantially similar, the situation assumes a different context. In such cases, upholding the findings in the disciplinary proceedings would be unjust, unfair, and oppressive. This is a position settled by the decision in **G. M. Tank** (supra), since reinforced by a decision of recent origin in **Ram Lal v. State of Rajasthan** ((2024) 1 SCC 175.*

9) Therefore, the writ petition is allowed and the charge memorandum against the Petitioner vide proceedings in C.No.3397/A6/2024, dated 25.01.2025 is quashed. No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 03.11.2026
KLP/VSR

[1] 2025 INSC 554