APHC010330192026

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

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 17914 OF 2026

Between:

1. Srinath Pendyala, S/o Nageswara Rao, Aged about 37 Years, Occ-Advocate, R/o Flat No.406, Block 1, Srinivasam Apartments KLU Road, Kunchanapalli, Guntur District

...Petitioner

AND

1. State of Andhra Pradesh, Rep.by its Principal Secretary to Government, Home Department, Secretariat, Velagapudi, Amaravati, Guntur District-522237.
2. Superintendent of Police, Guntur, Guntur District-522002.
3. Deputy Superintendent of Police, Mangalagiri Guntur District-522503.
4. Station House Officer, Tadepalli Police Station, Tadepalli Town and Mandal, Guntur District-522501.
5. Rompavalasa Sumalatha, W/o. Naresh, Aged 35 Years, R/o. D.No. 1-2-15, Post office. Street, Kamsalipeta, Vijayawada City, Krishna District-520001.

...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 to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not registering the crime on my complaint dt. 15.5.2026 on the file of 4th respondent, as illegal, irregular, irrational, amounts to non discharge of legal obligation conferred on them under the provisions of BHARATIYA NAGARIK

SURAKSHA SANHITA, 2023and offends Articles 14 and 21 of Constitution of India and consequently direct the 4th respondent to register the crime and prosecute the 5th respondent for appropriate offences and penal provisions of law and 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 to direct the 4 respondent to register the crime on my complaint dated 15.5.2026 and prosecute the 5th respondent for appropriate offences and penal provisions of law, pending disposal of the main writ petition and pass

Counsel for the Petitioner: NAVULURU KRISHNA SAI

Counsel for the Respondents: GP FOR HOME

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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The Court made the following Order:

Instant Writ Petition has been filed under Article 226 of the Constitution of India seeking the following relief:

> *"to issue a Writ of Mandamus or any other appropriate writ, order or direction, more particularly one in the nature of MANDAMUS* declaring the action of the respondents in not registering the crime on my complaint dt. 15.5.2026 on the file of 4th respondent, as illegal, irregular, irrational, amounts to non-discharge of legal obligation conferred on them under the provisions of BHARATIYA NAGARIK SURAKSHA SANHITA, 2023and offends Articles 14 and 21 of the Constitution of India and consequently direct the 4th respondent to register the crime and prosecute the 5th respondent for appropriate offences and penal provisions of law *and to pass".*

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home appearing on behalf of Respondent/State and perused the material placed available on record.

3. Conspectus of facts in the present Writ Petition is that, despite the petitioner's complaint to the police personnel, the respondent police are not acting upon the same by registering an FIR, thereby lodging criminal proceedings.

4. Learned Assistant Government Pleader for Home, basing on the written instructions of the Respondent/Police, submits that preliminary enquiry of the

police reveals that the petitioner's complaint does not disclose commission of any cognizable offence. As such, Writ Petition itself is not maintainable.

5. Now, coming to the central issue in the *lis,* despite the petitioner's complaint, the police are not registering an FIR; the aggrieved party directly initiating proceedings before the Hon'ble High Court under Article 226 of the Constitution of India or Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 of the Code of Criminal Procedure, 1973.

6. In this juncture, it is appropriate to note that the issue involved in the present *lis*, is squarely covered by the Order of this Court dated 23.07.2026 in WP No.18425 of 2026, wherein this Court appreciated the facts and law by taking into consideration of the dictums laid down by the Apex Court including latest expression held in ***Sujal Vishwas Attavar and another vs. State of Maharashtra and others***[1], wherein it was held as under:

> *"7. Keeping in view the above exposition of law, we find that the extraordinary jurisdiction under Article 226 of the Constitution of India ought not to have been invoked when alternative equally efficacious statutory remedies were available. If a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being conducted, then the remedy does not ordinarily lie in invoking the writ jurisdiction in the first instance, but in seeking recourse to the statutory framework, unless of course the urgency of the circumstances warrant otherwise.*

[1] 2026 SCC OnLine SC 798

8. The Bharatiya Nagarik Suraksha Sanhita 2023 (erstwhile Code of Criminal Procedure, 1973) provides a structured sequential mechanism for initiating criminal prosecution. The statutory framework contemplates that information relating to the commission of a cognizable offence is first placed before the officer-in-charge of the police station and an FIR is registered under Section 173(1) BNSS. In the event of refusal to register the FIR, recourse lies before the jurisdictional Superintendent of Police under Section 173(4) BNSS and, thereafter, before the Magistrate, under Section 175(3) BNSS.

9. xxxx.

10. xxxx.

11. The High Court is not bound to entertain a writ petition merely because a case of alleged inaction or negligence is made out against a statutory authority. Ordinarily, where a statute provides a complete and efficacious remedy, the same must be exhausted before invoking constitutional jurisdiction [See: Sakiri Vasu (supra) and Sudhir Bhaskarrao Tambe (supra)]. In the present facts, the complainant Company has not exhausted the sequential statutory remedies available under BNSS. There is, therefore, no foundation to invoke the extraordinary jurisdiction of the High Court for the reason that efficacious and efficient alternative remedies exists. Hence, at this stage, we find the instant writ petition to be premature, and, therefore, not fit to be entertained."

7. Accordingly, by applying the above ratio to the present case too, this Writ Petition is disposed of as under:

i) Liberty is granted to the petitioner to approach the learned jurisdictional Magistrate by filing appropriate complaint under Section 175(3) and 210 read with 223 of BNSS, 2023.

ii) This Court has not expressed any opinion on merits and whether or not the complaint discloses criminal offences.

iii) Equally, it will be open to all the stakeholders to avail remedies in terms of the statutory realm."

There shall be no order as to costs.

8. Registry is directed to append a copy of the Order of this Court dated 23.07.2026 in WP No.18425 of 2026 along with the instant order.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 02.11.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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