APHC010497512026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE 5th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8369 OF 2026

Between:

1. Ellimilli Bhanuprasad, S/o Late Eswar Rao,Aged about 41 years,Resident of H.No. 63-1-106,Malkapuram Post, Ashok Nagar Visakhapatnam Urban,Visakhapatnam - 530011, Andhra Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor,High Court of A.P., Amaravati.
2. Mone Veeresh Babu, S/o M. Ashok, Aged 29 years,R/o H.No.5-264, Raja Rajeswari Nagar,Adoni Town, Kurnool 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 Courtpleased to quash the proceedings in FIR. No.205 of 2025 on the file of Adoni I Town Police Station, Kurnool District, 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

dispense with in filing the certified copy of FIR. No.205 of 2025 on the file of Adoni I Town Police Station, Kurnool District. Pending disposal for the criminal petition 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 stay of all further proceedings in FIR. No.205 of 2025 on the file of Adoni I Town Police Station, Kurnool District, including appearance of the petitioners herein, pending disposal of the Criminal Petition and pass

Counsel for the Petitioner: RAYALA BHAGYA RAJA

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION No. 8369 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 petitioner herein (A1), seeking to quash the proceedings in FIR in Crime No.205 of 2025 of Adoni I Town Police Station, Kurnool District, for the offences punishable under Sections 318(4), 351(2) read with 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the petitioner submits that pursuant to the Order dated 21.09.2026, 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 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.205 of 2026 of Adoni I Town Police Station, Kurnool 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.205 of 2025 of Adoni I Town Police Station, Kurnool District.

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

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: 05.10.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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Date: 05.10.2026

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