APHC010515292026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8664 OF 2026

Between:

1. Thamanapalli Mohan Gandhi, S/o Mohan Rao, aged about 49 years,R/o D.No. 7-6-980/1,2/1 Vengalarao Nagar, Guntur.

2. Manne Ratna Sree, W/o Thamanapalli Mohan Gandhi,R/o D.No. 7-6-980/1,2/1 Vengalarao Nagar,Guntur

...Petitioners

AND

1. the State The station House Officer, Thullur P.S.,Rep.by Public Prosecutor, High Court of A.P., Amaravati.

2. Maime Sudha, W/o Madasi Daniyelu, Aged about 44 years,R/o Flat No. 404, Divyani Arcade Apartment,Housing Board Colony Extension,Guntur City

...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 Court quash the FIR No. 17 of 2026 of Thulium P.S. dated 11-01- 2026 against the petitioners/Accused No.I and 2 and to 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 to dispense with the filing of the certified copy of the FIR in Cr.No.17 of 2026 of Thulium P.S. dated 11-01-2026 along with complaint and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

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 to dispense with the filing of the certified copy of the FIR in Cr.No.17 of 2026 of Thulium P.S. dated 11-01-2026 along with the complaint and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioners: RATAN MOHAN MEDIDA

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8664 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 & A2), seeking to quash the proceedings in FIR in Crime No.171 of 2026, of Thulluru Police Station, Guntur District, for the offences punishable under Section 318(4) and 336(3) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the petitioners submits that pursuant to the Order dated 30.09.2026, 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 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.171 of 2026, of Thulluru 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.171 of 2026, of Thulluru Police Station, Guntur District.

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: 12.10.2026
PSA

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

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8664 of 2026

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PSA