APHC010518122026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3504]
(Special Original Jurisdiction)

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8702/2026

Between:

1. SILISETTI GURU DEVI, W/O. VENKATA SUBBAIAH, AGED ABOUT 47 YEARS,R/O. GOPIREDDYPALLI VILLAGE, MYDUKUR MANDAL,YSR KADAPA DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED ITS PUBLIC PROSECUTOR,THROUGH SHO, MYDUKUR U/G POLICE STATION,YSR KADAPA DISTRICT HIGH COURT OF ANDHRA PRADESH, AMARAVATI.
2. KESHA PEDDABBIGARI RAMA KRISHNA, S/O. VENKATAIAH, AGED ABOUT 51 YEARS,R/O. PORUMAMILLA ROAD, MYDUKUR TOWN 8 MANDAL,YSR KADAPA DISTRICT.
3. KESHA PEDDABBIGARI HARINDA ALIAS HARI, S/O. JAYA RAMUDU, AGED ABOUT 28 YEARS,R/O. KESHALINGAYAPALLI VILLAGE, MYDUKUR MANDAL,YSR KADAPA DISTRICT.
4. KESHA PEDDABBIGARI JAYARAMUDU ALIAS JAYARAMU, S/O. VENKATANANA, AGED ABOUT 57 YEARS,R/O. KESHALINGAYAPALLI VILLAGE, MYDUKUR MANDAL,YSR KADAPA DISTRICT.
5. KESHA PEDDABBIGARI VENKATA RAMANA, S/O. VENKATAIAH, AGED ABOUT 65 YEARS,R/O. KESHALINGAYAPALLI VILLAGE, MYDUKUR MANDAL,YSR KADAPA DISTRICT.

6. KESHA PEDDABBIGARI SIVA LINGAIAH, S/O. VENKATA RAMANA, AGED ABOUT 38 YEARS,R/O. KESHALINGAYAPALLI VILLAGE, MYDUKUR MANDAL,YSR KADAPA DISTRICT.

...RESPONDENT/COMPLAINANT(S):

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 call for the records in relating to order dated 16.06.2026 passed in CFR No.3428 in C.C.No.523 of 2025 in Crime No.346 of 2025 on the file of Judicial Magistrate of First Class, Mydukur and quash the same and consequently direct the Learned Judicial Magistrate of First Class, Mydukur to receive, number and consider the petition filed by the petitioner vide CFR No.3428, dated 16.06.2026 under Section 362 of the BNSS and pass appropriate orders thereon in accordance with law

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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 certified copy of order dated 16.06.2026 passed in CFR No.3428 in C.C.No.523 of 2025 in Crime No.346 of 2025 on the file of Judicial Magistrate of First Class, Mydukur,

Counsel for the Petitioner/accused:

1. SHAIK MOHAMMED ISMAIL

Counsel for the Respondent/complainant(S):

1. V R REDDY KOVVURI
2. PUBLIC PROSECUTOR

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ORDER:-

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein, seeking to quash the order dated 16.06.2026 in CFR No.3428 in C.C.No.523 of 2025 on the file of Judicial Magistrate of First Class, Mydukur for the offences punishable under Section 118 (1), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent No.1-State.

3. Sri Shaik Mohammad Ismail, learned counsel for the petitioner, submits that the petitioner is the de facto complainant and L.W.1 in C.C. No.523 of 2025 on the file of the Judicial Magistrate of First Class, Mydukur. He further submits that the petitioner filed a petition in CFR No.3428 of 2026, dated 16.06.2026, under Section 362 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 323 of the Cr.P.C.), seeking to take cognizance of the offences punishable under Sections 109 and 308 of the Bharatiya Nyaya Sanhita, 2023. Learned counsel further submits that the learned Magistrate returned the said petition on 16.06.2026 with the following endorsement:

> *"Correct provision of law should be mentioned. Hence, this petition is returned."*

4. Learned counsel submits that mere non-mentioning of an incorrect provision of law does not disentitle the Court from adjudicating the matter. However, he states that he would advise the petitioner to re-present the matter before the learned Magistrate along with all relevant particulars, provision of law and explanations. He further prays that this Court may direct the learned Trial Court to pass appropriate orders on merits.

5. Sri V.R. Reddy Kovvuri, learned counsel for respondent Nos.2 to 6, submits that the impugned order is merely a return of the petition. However, he also fairly submits that the petitioner may be granted liberty to represent the matter before the learned Trial Court.

6. Having regard to the facts and circumstances of the case, indisputably the petitioner filed the aforesaid petition on 16.06.2026 and that the same was returned on the very same day, mainly on the ground that the correct provision of law should be mentioned.

7. In the considered opinion of this Court, the order under challenge relates to a mere procedural aspect, in view of the fair submissions made by the learned counsel for the petitioner and respondent Nos.2 to 6, and more particularly, having regard to the well-settled legal principle held by the Hon'ble Apex Court in ***Pruthvirajsinh Nodhubha Jadeja v. Jayeshkumar Chhakaddas Shah***[1]***,*** the Hon'ble Apex Court held that "*it is well-settled law that mere non-mentioning of an incorrect provision is not fatal to the*

[1] (2019) 9 SCC 533

application if the power to pass such an order is available with the court." Added to those procedural laws are intended to do substantial justice to the parties.

8. Accordingly, the Criminal Petition is disposed of with the following terms:

i) The petitioner is at liberty to re-present the matter before the concerned learned Magistrate along with all relevant particulars and annotating provision of law too.

ii) In such an event, the learned Magistrate is directed to pass appropriate orders on merits, after giving an opportunity of hearing to the respective parties, in accordance with law.

As a sequel, all pending applications shall stand closed.

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JUSTICE MAHESWARA RAO KUNCHEAM

Date: 04.11.2026
Note: Issue CC by 10.11.2026
B/o
RMR

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