APHC010518132026

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: 8709 OF 2026

Between:

1. Araveeti Suresh Alias Araveti Suresh, S/o , aged about 42 years,Occ Business Proprietor,Maruthi Glass, Hardware General Stores,R/o Door No.3-130, Rajaka Street,Markapur Town and Mandal,Markapuram District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Public Prosecutor High Court of Andhra Pradesh at Amaravati.
2. Chinamanagonda Venkata Bala Chiranjeevi, S/o Late Satyanarayana, aged 49 years,Occ Business Proprietor, Jayani Traders,R/ o Aravind Ghosh Street,Markapur Town and Mandal,Markapuram 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 Courtquash the proceedings in Crime No.229 of 2026 on the file of Markapur Town Police Station Markapuram District

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 certified copy of the F.I.R find Complaint in Crime No.229 of 2026 on the file of Markapur Town Police Station, Markapuram District,

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 grant stay of all further proceedings in Crime No.229 of 2026 on the file of Markapur Town Police Station, Markapuram District, including arrest of the Petitioner, pending disposal of the petition

Counsel for the Petitioner: DEVALARAJU ANIL KUMAR

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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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 petitioner herein (Accused), seeking to quash the proceedings in FIR in Crime No.229 of 2026 of Markapur Town Police Station, Markapuram District, for the offences punishable under Sections 316(3), 351(2), 74, 329(3) of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioner submits that pursuant to the Order dated 01.10.2026, 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 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.229 of 2026 of Markapur Town Police Station, Markapuram 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

[1] (2014) 8 SCC 273

in ***Satendar Kumar Antil vs. Central Bureau of Investigation and Another***[2] in FIR in Crime No.229 of 2026 of Markapur Town Police Station, Markapuram District .

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: 12.10.2026
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[2] 2026 SCC OnLine SC 162

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Date: 12.10.2026

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