APHC010520692026

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: 8752 OF 2026

Between:

1. Balla Suribabu, S/o B. Somaraju,Aged about 52 years, R/o 2-60D-6/1,Rajya Lakshmi Nagar, Godarigunta,Kakinada Urban, Kakinada District,Andhra Pradesh-533 003.
2. Balla Aravind, C/o Balia Suribabu,Aged about 27 years, R/o 2-60D-6/1,Rajya Lakshmi Nagar, Godarigunta,Kakinada Urban, Kakinada District,Andhra Pradesh-533 003.
3. Balla Anil, C/o Balia Suribabu,Aged about 28 years, R/o 2-60D-6/1,Rajya Lakshmi Nagar, Godarigunta,Kakinada Urban, Kakinada District,Andhra Pradesh-533 003.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati.
2. N V V Satyanarayana, Occ Kakinada Municipal Commissioner,R/o Kakinada Municipal Corporation Office Kakinada, Andhra Pradesh.

...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 Cr. No. 151 of 2026 dated 23.09.2026 on the file of Kakinada II Town Police Station, Kakinada District as against the Petitioner and may be pleased to

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 the filing of the original certified copy of the FIR i.e., Cr. No. 151 of 2026 dated 23.09.2026 on the file of Kakinada II Town Police Station, Kakinada District before this Hon'ble Court

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 all further proceedings in relation to Cr. No. 151 of 2026 dated 23.09.2026 on the file of Kakinada II Town Police Station, Kakinada District as against the Petitioner and may be pleased to pass

Counsel for the Petitioners: SINGAMSETTY V M SANKAR,SINGAMSETTY V.M. SANKAR

Counsel for the Respondents: PUBLIC PROSECUTOR

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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 petitioners herein (A1 to A3), seeking to quash the proceedings in FIR in Crime No.151 of 2026, of Kakinada II Town Police Station, Kakinada District, for the offences punishable under Section 318(4), 336(3), 340(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the petitioners submits that pursuant to the Order dated 05.10.2026, 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 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.151 of 2026, of Kakinada II Town Police Station, Kakinada District are punishable with imprisonment of less than seven years and in view of the no objection expressed by 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.151 of 2026, of Kakinada II Town Police Station, Kakinada 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

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Date: 12.10.2026

PSA