APHC010521462026

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: 8769 OF 2026

Between:

1. Kondaboyina Mani Alias Kondeboina Manidra, S/o. Brahmaiah,Aged about 30 years,Occ Software Employee,R/o. Miyapur, Hyderabad, Telangana State.
2. Oggu Mani, S/o. SrinuAged about 22 years, Occ Mason,R/o. 29 Ward, Near Meena Apartment,Ponnur Town, Guntur District.
3. Thailam Vasu Alias Thagilam Vasu, S/o. VenkateswarluAged about 38 years, Occ Mason,R/o. 31 Ward, Backside of Sujatha College,Ponnur Town, Guntur District.
4. Kasthuri Nagaraju, S/o. YedukondaluAged about 40 years, Occ Mason,R/o. 29 Ward, Near Meena Apartment,Ponnur Town, Guntur District.

...Petitioners

AND

1. The State of Andhra Pradesh, through Station House Officer,Ponnur Town Police Station, Guntur Districtrep.by its Public Prosecutor,High Court of A.P at Amaravathi.
2. Eluri Shanmukha, S/o. Ram Prasad,R/o. 29 Ward, Chinna Rama MandiramPonnurTown, GunturDistrict.

...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 F.I.R. No. 203 of 2026, dated 18-09-2026 on the file of Ponnur Town Police Station, Guntur District, against the petitioners /Accused No. 1 to 4

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 stay of all further proceedings including the arrest of the petitioners / Accused No. 1 to 4 in Cr. No. 203 of 2026 the file of Ponnur Town Police Station, Guntur District, during the pendency of this criminal petition

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 including the arrest of the petitioners / Accused No. 1 to 4 in Cr. No. 203 of 2026 the file of Ponnur Town Police Station, Guntur District, during the pendency of this criminal petition

Counsel for the Petitioners: PRABHU NATH VASIREDDY

Counsel for the Respondents: VENKATA DURGA RAO ANANTHA

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 A4), seeking to quash the proceedings in FIR in Crime No.203 of 2026, dated 18.09.2026 of Ponnur Town Police Station, Guntur District, for the offences punishable under Section 126(1), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the petitioners 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 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.203 of 2026 of Ponnur Town 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.203 of 2026 of Ponnur Town 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

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Date: 12.10.2026

PSA