APHC010534592026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3460]
(Special Original Jurisdiction)

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 29444/2026

Between:

1. V.SIVA RAMA KRISHNA, S/O. LATE SRINIVASA RAO, AGE 33YEARS,PC 3595, WORKING ASPOLICE CONSTABLE, NANDIGAMA POLICE STATION, N.T.R. POLICE COMMISSIONERATE, N.T.R. DISTRICT, PIN 521185.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, ANDHRA PRADESH SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, PIN 522238.
2. THE COMMISSIONER OF POLICE, N.T.R. POLICE COMMISSIONERATE, VIJAYAWADA CITY, N.T.R. DISTRICT, PIN 520001

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue a Writ, Order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the 2 nd Respondent in issuing Article of Charges in C.No.33/PR/2022, dated 24.03.2025, under Rule-20 of the A.P.C.S. (CC and A) Rules, 1991, based on the involvement of the petitioner in Crime No.661/2022 under Sections 307, 406, 420, 380, 120(B) r/w 34 IPC, of Patamata Police Station, Vijayawada City, in spite of list of witnesses and documents referred are one

and the same in Criminal Case and Departmental Proceedings, in respect of the same for which the Charge Sheet is filed before the IV ADDL. CHIEF JUDICIAL MAGISTRATE, VIJAYAWADA, in PRC No.69/2025, dated 14-11-2025, as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and contrary to the law laid down by the Hon'ble Supreme Court of India, inCaptM.Paul Anthony vs. Bharat Gold Mines Ltd and another, reported in 1999 (3) SCC 679 and consequentially declare that the Respondents cannot proceed further with the Departmental Proceedings, till the disposal of the PRO No.69/2025, before the IV ADDL. CHIEF JUDICIAL MAGISTRATE, VIJAYAWADA, dated 14.11.2025, and to pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to stay all further proceedings, in respect of the Article of Charges issued in C.No.33/PR/2022, dated 24.03.2025, pending disposal of the Writ Petition and to pass

Counsel for the Petitioner:

1. P V RAMANA

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.29444 of 2026

ORDER:

1. The present Writ Petition is filed questioning the action of the Respondent-Authorities in initiating parallel disciplinary proceedings, dated 24.03.2025 against the Petitioner, pending P.R.C.No.69 of 2025 before the IV Addl. Chief Judicial Magistrate, Vijayawada, as arbitrary and illegal.

2. The Petitioner is working as a Police Constable at Nandigama Police Station, NTR District. While so, on 13.07.2022, an FIR in Crime No. 661 of 2022 was registered against the Petitioner at Patamata Police Station, NTR Police Commissionerate, for the offences punishable under Sections 307, 406, 420, 380 and 120-B read with Section 34 of the Indian Penal Code, alleging that the Petitioner had developed an illicit relationship with a woman namely, Gunji Venkateswaramma. Subsequently, a charge sheet was filed in the said crime, in which the Petitioner is arrayed as Accused No.3, and the same was numbered as PRC No. 69 of 2025 on the file of the IV Additional Chief Judicial Magistrate, Vijayawada, where the matter is pending for trial.

3. Parallelly, the Respondent-Authorities initiated the Disciplinary Proceedings, dated 24.03.2025 on the same allegations mentioned in the criminal case.

4. Learned counsel for the Petitioner submits that the criminal case and the disciplinary case are with respect to the same incident and it will cause prejudice to the Petitioner. He placed reliance on the Judgment of the Hon'ble Supreme Court in ***M.Paul Anthony v. Bharat Gold Mines Limited***[1].

5. This Court taking note of the Judgment of the Hon'ble Supreme Court in ***Secretary, Lucy Sequeira Trust and Another v. Kailash Ramesh Tandel and Others***[2] disposed of similar Writ Petitions, with the following directions:-

> *(i) The departmental proceedings, dated 24.03.2025 initiated against the Petitioner shall remain stayed for a period of one year from today.*
>
> *(ii) The learned IV Addl. Chief Judicial Magistrate, Vijayawada, shall complete the trial in PRC.No.69 of 2025 pending on its file, as expeditiously as possible, preferably within a period of one year considering the fact that the departmental proceedings are stayed, pending disposal of the criminal case.*

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[1] 1999 (3) SCC 679

[2] (2019) 6 SCC 155

(iii) The Petitioner shall file a copy of this order before the concerned Court and shall co-operate for expeditious disposal of the criminal case.

(iv) If the trial is not concluded within the period of one year, the departmental proceedings can be proceeded with.

6. In the present case, the departmental enquiry is an offshoot of the criminal case and the documentary and oral evidence is similar. Therefore, the Writ Petition is disposed of in terms of directions in Paragraph No.5. No order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

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NYAPATHY VIJAY, J

Date: 12.10.2026

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Dated: 12.10.2026

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