APHC010547892026

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

[3504]

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9169/2026

Between:

1. BHAYYA RAJAMMA, W/O. CHINNA GURAVAIAH,AGED 58 YEARS, OCC HOUSE WIFE,R/O.D.NO.6-11IA, KOTHAMALLAPURAM VILLAGE,PITHIKAYAGULLA MANDAL, PRAKASAM DISTRICT- 523346.
2. BHAYYA ANJANEYULU, S/O. GURAVAIAH,AGED 30 YEARS, OCC COOLIE,RIO. D.NO.6-111A, KOTHAMALLAPURAM VILLAGE, PITHIKAYAGULLA MANDAL, PRAKASAM DISTRICT- 523346.
3. PANDAYANAI OYINA NARASIMHA, S/O. TIRUMALAIAH,AGED 40 YEARS, OCC COOLIE,R/O. PULIPACU VILLAGE, MUNDLAMURU MANDAL,PRAKASAM DISTRICT- 523247.
4. PANDAYANABOYINA ANJAMMA, W/O. P. NARASIMHA, AGED 36 YEARS, OCC HOUSE WIFE,RIO. PULIPADU VILLAGE, MUNDLAMURU MANDAL,PRAKASAM DISTRICT- 523247.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH ONGOLE TALUK U POLICE STATION, PRAKASAM DISTRICT,REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT FOR THE STATE OF ANDHRA PRADESH,AMARAVATHI.
2. MEKALA MANGAMMA, WO. LATE THIRUPATHAIAH,AGED 44 YERS, R/O. NEAR SRI KRISHNA TEMPLE, SATYANARAY NAPURAM, ONGOLE TOWN,PRAKASAM DISTRICT- 523001.

...RESPONDENT/COMPLAINANT(S):

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 entire proceedings in so far as petitioners/Accused No.1 to 4 in Crime No. 479/2026 dated 24.08.2026 on the file of Ongole Taluk UPS, Prakasam 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 dispense with the filing of certified copy of FIR dt. 24.08.2026 in Crime No. 479/2026 on the file of Ongole Taluk UPS, Prakasam District and receive the main Criminal Petition on file in the interests of justice

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 in Crime No. 479/2026 dated 24.08.2026 on the file of Ongole Taluk UPS, Prakasam District including arrest of the petitioners/Acciised No.1 to 4, pending disposal of the main Criminal Petition

Counsel for the Petitioner/accused(S):

1. ANANDA KUMAR VEJANDLA
2. Ananda Kumar Vejandla

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO:9169 of 2026

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.479 of 2026 of Ongole Taluk UPS Police Station, Prakasam District for the offences punishable under Sections 318(4), 79, 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Mr. P.Pavan Kumar, learned counsel representing Mr. Ananda Kumar Vejandla, learned counsel for the petitioners submits that pursuant to the Order dated 13.10.2026, 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. 479 of 2026 of Ongole Taluk UPS Police Station, Prakasam 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***

[1] (2014) 8 SCC 273

vs. Central Bureau of Investigation and Another[2] in FIR in Crime No. 479 of 2026 of Ongole Taluk UPS Police Station, Prakasam District, insofar as the petitioners herein (A1 to A4) concerned.

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: 27.10.2026
vnb

[2] 2026 SCC OnLine SC 162

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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vnb