APHC010554342026

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

[3504]

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9248/2026

Between:

1. SABASU VIJAY SANDEEP, S/O SABASU SRINIVASA RAO, AGED 31 YEARSR/O. FLAT NO- 308, 4TH FLOOR, SAMITHITHA APARTMENT,OPP HOSANNA MANDIRAM, GORANTLA,GUNTUR, ANDHRA PRADESH- 522034
2. SABASU SRINIVASA RAO, S/O SABASU VEERA RAGHAVAIAH, AGED 57 YEARS,R/O. FLAT NO 308, SAMSTHITHA APARTMENTS,OPPOSITE HOSANNA MANDIR, GORANTLA,GUNTUR, ANDHRA PRADESH-522034
3. MADDELA PRAVEEN KUMAR, S/O VIJAYA PRAKASH, AGED 40 YEARS R/O. 8/63, GIRINAGAR, RANGASAMUDRAM,PORUMAMILLA, CUDDAPAH, ANDHRA PRADESH-516193
4. SURYA DESU MAHESH, S/O SANKAR, AGED 31 YEARSR/O. 7-3-15, JENDA CHETTU BAZAR,SATTENAPALLE, GUNTUR, ANDHRA PRADESH-522403

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR HIGH COURT FOR THE STATE OF ANDHRA PRADESH
2. MEKALA YOGESH, S/O VENKATESWARA RAO, AGED 35 YEARSRIO. KATTEVARAM VILLAGE, TENALI MANDAL,GUNTUR, ANDHRA PRADESH

...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 criminal proceedings against the

Petitioners/Accused No.1 to 4 in Cr.No.204 of 2026 on the file of Tenali Rural PS, Guntur District registered for the offences punishable under section of 318(4) r/w 3(5) of BNS, as they are lacking merits

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 filing of the original certified copy in Cr.No.204 of 2026 on the file of Tenali Rural PS, Guntur District registered for the offences punishable under section of 31 8(4) r/w 3(5) of BNS, before this Hon'ble Court also

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 including appearance of the Petitioners/Accused No.1 to 4 in Cr.No.204 of 2026 on the file of Tenali Rural PS, Guntur District registered for the offences punishable under section of 318(4) r/w 3(5) of BNS,

Counsel for the Petitioner/accused(S):

1. ARUN SHOWRI G
2. Arun Showri

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

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 petitioners herein (A1 to A4), seeking to quash the proceedings in FIR in Crime No.204 of 2026 of Tenali Rural Police Station, Guntur District for the offences punishable under Section 318(4) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioners submits that pursuant to the Order dated 12.09.2026, 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.204 of 2026 of Tenali Rural 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.***

[1] (2014) 8 SCC 273

Central Bureau of Investigation and Another[2] in FIR in Crime No. 204 of 2026 of Tenali Rural 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: 10.11.2026
ych/vnb

[2] 2026 SCC OnLine SC 162

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