APHC010563392026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9405 OF 2026

Between:

1. Parre Kotaiah, S/o. Prabhudasu, aged about 43 years, R/o.Devarakondavaripalem Village, Nagaram Mandal,Bapatla District, Andhra Pradesh.

...PETITIONER/ACCUSED

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati.

2. The Station House Officer, Nagaram Police Station, Bapatla District, Andhra Pradesh.

3. Donepati Shalini, W/o. Vijayaraju, aged about 36 years, R/o. Mandevaripalem Village, Pittalavanipalem Mandal, Bapatla District, Andhra Pradesh.

...RESPONDENT/COMPLAINANTS

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 pleased to quash the proceedings in Crime No.66 of 2026 dated 05.10.2026 on the file of Nagaram Police Station, Bapatla District, registered for the offences punishable under Sections 115(2), 71(1), 351(2), 324(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita,

2023, insofar as the Petitioner/Accused No.1, Sri Parre Kotaiah, is concerned, and pass

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 to Dispense with the filing of a certified copy of the FIR in Crime No.66 of 2026 dated 05.10.2026 on the file of Nagaram Police Station, Bapatla District, and pass

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 to stay all further proceedings, including all coercive steps against the Petitioner, in Crime No.66 of 2026 dated 05.10.2026 on the file of Nagaram Police Station, Bapatla District, and pass

Counsel for the Petitioner/accused: JADA SRAVAN KUMAR

Counsel for the Respondent/complainants: 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 petitioner herein (A1), seeking to quash the proceedings in FIR in Crime No.66 of 2026 of Nagaram Police Station, Bapatla District, for the offences punishable under Section 115(2), 75(1), 351(2), 324(4) read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioner submits that pursuant to the Order dated 16.10.2026, he has taken notice on respondent No.3 and filed a memo of proof of service to that effect.

3. Despite service of notice, none represented respondent No.3.

4. Learned counsel for the petitioner, after arguing for some time, has confined his argument to the extent of protecting the petitioner 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 petitioner 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.66 of 2026 of Nagaram Police Station, Bapatla 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.66 of 2026 of Nagaram Police Station, Bapatla District.

8. If it is noticed in the course of investigation that the petitioner has 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: 06.11.2026
PSA

[1] (2014) 8 SCC 273
[2] 2026 SCC OnLine SC 162

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