APHC010564032026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9435 OF 2026

Between:

1. Nandoori Kanaka Lingeswara Rao, S/o. Nanduri Gandhi, aged 52 years,Occ Business, Rio. H.No. 4-7/35,Flat No. D-2, Hamsa Dwani Apartments,Midhulapuri Vuda Colony, 100 Feet Road,Madhurawada, Visakhapatnam District - 530048.
2. Bethu Bulli Venkata Adiyya alias Chanti, S/o. Satyanarayana, aged 45 years,Occ Onion Business, Rio. H.No. 4-4/1,Post Office, Chanamalli Village,Nidamarru Mandal,West Godavari District - 534198.

...Petitioners

AND

1. The State of Andhra Pradesh, Through S.H.O. Pendurthy Police Station, Represented by Public Prosecutor, High Court of AP at Amaravati.
2. Jagarapu Roja, D/o. Srirama Murthy, W/o. Jagarapu Appalanaidu, Aged 53 years, C/o. V. Ramesh, Occ Business, R/o. Block No. E7,Flat No. F1, JRMUM Colony, Pendurthy, Visakhapatnam District - 531173.

...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 Court quash the Crime/F.I.R.No.343 of 2026 on the file of SHO Pendurthy Police Station, Visakhapatnam Commissionerate against the Petitioners/A1 and A2

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 Certified Copy of Crime/F.I.R.No. 343 of 2026 on the file of SHO Pendurthy Police Station, Visakhapatnam Commissionerate

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 arrest against the Petitioners/A1 and A2 in the Crime/F.I.R.No. 343 of 2026 on the file of SHO Pendurthy Police Station, Visakhapatnam Commissionerate

Counsel for the Petitioners: RAMBABU KOPPINEEDI

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9435 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 & A2), seeking to quash the proceedings in FIR in Crime No.343 of 2026 of Pendurthy Police Station, Visakhapatnam Commissionerate District, for the offences punishable under Sections 76, 115(2), 351(2) & 316(2) of the Bharatiya Nyaya Sanhitha, 2023 and Section 173(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Learned counsel for the petitioners submits that pursuant to the Order dated 26.10.2026, 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.343 of 2026 of Pendurthy Police Station, Visakhapatnam Commissionerate 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.343 of 2026 of Pendurthy Police Station, Visakhapatnam Commissionerate 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: 03.11.2026
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[1] (2014) 8 SCC 273
[2] 2026 SCC OnLine SC 162

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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Date: 03.11.2026

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