APHC010567612026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9520 OF 2026

Between:

1. Bitra Raghavendra Rao, S/o. Srihari, Aged about 41 years, Occupation Business, R/o. D. No. 23-3-28, Ramalayam Veedhi, Chirala,Bapatla District, Pin Code - 523155.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati, Pin Code - 522239.
2.

2. Mahammad Rafi, S/o. Kalesha Vali, Aged about 37 years,Occupation Business, R/o. Pandurangapeta, Tenali Town, Guntur District, PIN Code 522201

...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 No. 94 of 2026 of Tenali II Town P.S., Guntur District, registered against the petitioner

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 certified copy of

Crime No. 94 of 2026 of Tenali II Town P.S., Guntur 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 grant stay of all further proceedings including the arrest of the Petitioner in Crime No. 94 of 2026 of Tenali II Town P.S., Guntur District, pending disposal of the main Criminal Petition

Counsel for the Petitioner: SARANU PHANI TEJA
Counsel for the Respondents: PUBLIC PROSECUTOR

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 petitioner herein (A1), seeking to quash the proceedings in FIR in Crime No.94 of 2026 of Tenali II Town Police Station, Guntur District, for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioner 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 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.94 of 2026 of Tenali II Town 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. Central Bureau of Investigation and Another***[2] in FIR in Crime No.94 of 2026 of Tenali II Town Police Station, Guntur 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: 02.11.2026
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[1] (2014) 8 SCC 273
[2] 2026 SCC OnLine SC 162

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