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APHC010572432026

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

[3504]

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9604/2026

Between:

1. MADATHALA KASTURI REDDY, S/O. NAGI REDDY, AGED ABOUT 59 YEARS, OCC BUSINESS,R/O. D.NO 8-36-1A, KOTHAPETA, KANIGIRI TOWN, MARKAPURAM DISTRICT-523230.
2. VAKUMALLA RAJASEKHAR REDDY, S/O. PEDABALA ANKI REDDY, AGED ABOUT 33 YEARS, OCC BUSINESS,R/O. D.NO 1-7, BALAVENKATAPURAM VILLAGE, KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230
3. VAKUMALLA RAMI REDDY, S/O. PEDABALA ANKI REDDY, AGED ABOUT 30 YEARS, OCC BUSINESS,R/O. D.NO 1-7, BALAVENKATAPURAM VILLAGE, KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230.
4. DADIREDDY MALAKONDAIAH, S/O. BALAIAH,AGED ABOUT 49 YEARS, OCC BUSINESS,R/O. D.NO 1-3, KOTHAPALEM, GUDIPADU VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523111.
5. CHAGAMREDDY RAJAMOHAN REDDY, S/O. THIRUPALU,AGED ABOUT 33 YEARS, OCC AGRICULTURE,R/O. D.NO 6-23, CHAGAMREDDYPALLE,GURAVAJIPETA VILLAGE, KANIGIRI MANDAL,MARKAPURAM DISTRICT-523108.

6. RAGIPINDI ALIAS SANGAM MADHU, S/O. MALAKONDAIAH,AGED ABOUT 31 YEARS, OCC SOFTWARE EMPLOYEE,R/O. D.NO 4-25, GURAVAJIPETA VILLAGE, KANIGIRI MANDAL, MARKAPURAM DISTRICT-523108.
7. MULE MALAKONDA REDDY, S/O. BAYANNA,AGED ABOUT 47 YEARS, OCC BUILDING MASTRYR/O. D.NO 29-1439/1/1373/1,CROSS,KAKATEEYA NAGAR, NEREDMET, MEDCHAL, MALKAJAGIRI DISTRICT, TELANGANA-500056.
8. POLAKA SIDDA REDDY ALIAS POLAKA VENKATESWARLU, S/O. SUBBARAYUDU, AGED ABOUT 56 YEARS,OCC AGRICULTURE, R/O. D.NO 3-34, VANGAPADU VILLAGE KANIGIRI MANDAL, MARKAPURAM DISTRICT-523108.
9. KUMMARAKUNTA RAVI ALIAS THIRAPAIAH, S/O. CHINNA ANKAIAH AGED ABOUT 40 YEARS, OCC AGRICULTURE,R/O. D.NO 5-24, SC COLONY, GURAVAJIPETA VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523108.
10. KUMMARAKUNTA BHASKAR RAO, S/O. DAVEEDU,AGED ABOUT 50 YEARS, OCC AGRICULTURE,R/O. D.NO 5-68, SC COLONY, GURAVAJIPETA VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523108.
11. INDLA MALAKONDA RAYUDU, S/O. MALAKONDAIAH,AGED ABOUT 49 YEARS, OCC BUILDING MASTRY,R/O. D.NO 2-14, CHINAIRLAPADU VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523254
12. KUMMARAKUNTA BABU, S/O. JORGE,AGED ABOUT 36 YEARS, OCC UN-EMPLOYEE,R/O. D.NO 8-52, SC COLONY, GURAVAJIPETA VILLAGEKANIGIRI MANDAL, MARKAPURAM DISTRICT-523108
13. AVULA RAJU, S/O.CHINA RAJULAIAH,AGED ABOUT 21 YEARS, OCC STUDENT,R/O. GANUGUPENTA VILLAGE, KANIGIRI MANDAL,MARKAPURAM DISTRICT-523245.
14. SURASANI MOHAN REDDY, S/O. VENKATA REDDY,AGED ABOUT 59 YEARS, OCC

AGRICULTURE,R/O. RTC DEPOT BACK SIDE, KOTHAPETA,KANIGIRI TOWN, MARKAPURAMDISTRICT-523230

15. GOTTIMUKKALA RAMBABU, S/O. YESUDAS,AGED ABOUT 21 YEARS, OCC STUDENT,R/O. GANUGUPENTA VILLAGE, KANIGIRI MANDAL MARKAPURAM DISTRICT-523245.
16. MALLELA PRAVEEN KUMAR, S/O. YACOB,AGED ABOUT 32 YEARS, OCC AGRICULTURE,R/O. KANCHERLAVARIPALLI VILLAGE, KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230.
17. KUMMARAKUNTA SANGEETAM, S/O. LABANU,AGED ABOUT 58 YEARS, OCC AGRICULTURE,R/O. D.NO 5-72, SC COLONY, GURAVAJIPETA VILLAGE KANIGIRI MANDAL, MARKAPURAM DISTRICT-523108.
18. ATHYALA KALYAN, S/O. ROSAIAH,AGED ABOUT 26 YEARS, OCC BUILDING MASTRY,R/O. D.NO 5-42, SC COLONY, GURAVAJIPETA VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523108.
19. MANNEM RAMANAIAH, S/O. PEDDA BRAHMAIAH,AGED ABOUT 39 YEARS, OCC AGRICULTURE,R/O. D.NO 2-101, TALLURU VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523111.
20. SHAIK CHINA PATCHA SAHEB, S/O. KHASIMPEERAAGED ABOUT 36 YEARS, OCC BUSINESS,R/O. TALLURU VILLAGE, KANIGIRI MANDAL,MARKAPURAM DISTRICT-523111
21. THALLAPALLI NARAYANA, S/O. CHINA KONDAIAH,AGED ABOUT 46 YEARS, OCC AGRICULTURE,R/O. PUNUGODU VILLAGE, KANIGIRI MANDAL,MARKAPURAM DISTRICT-523230.
22. VINUKONDA BALAIAH, S/O. MALA KONDAIAH AGED ABOUT 50 YEARS, OCC AGRICULTURE,R/O. PUNUGODU VILLAGE, KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230.
23. LAKKIREDDY THIRUPATHAIAH, S/O. ROSI REDDY,AGED ABOUT 61 YEARS, OCC AGRICULTURE,R/O. PUNUGODU VILLAGE, KANIGIRI

MANDAL,MARKAPURAM DISTRICT-523230.

24. KOPPARTHI NAGI REDDY, S/O. NAGAIAH,AGED ABOUT 31 YEARS, OCC JOB OPERATOR,R/O. D.NO 6-25, CHAGAMREDDYPALLE,GURAVAJIPETA VILLAGE, KANIGIRI MANDAL,MARKAPURAM DISTRICT-523108.
25. MEDAM RAMANA REDDY, S/O. BUDDA REDDY,AGED ABOUT 49 YEARS, OCC BUILDING MASTRY,R/O. D.NO 3-2, BOMMIREDDYPALLI VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523254.
26. POLAKA VENKATA NARAYANA REDDY, S/O. VENKATASWAMY AGED ABOUT 56 YEARS, OCC AGRICULTURE,R/O. D.NO 3-49, VANGAPADU VILLAGE, KANIGIRI MANDAL,MARKAPURAM DISTRICT-523108.
27. PRATHI SURESH, S/O. VEERANARAYANA,AGED ABOUT 32 YEARS, OCC BUSINESS,R/O. D.NO 2-50, LINGAREDDYPALLI VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230
28. DEVARAJUGATTU SIMHADRI, S/O. MALAKONDAIAH,AGED ABOUT 32 YEARS, OCC BUSINESS,R/O. D.NO 4-11, TAKKELLAPADU VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230
29. SETTIPALLI BASHA, S/O. KONDAIAH,AGED ABOUT 35 YEARS, OCC TEA SHOP BUSINESS,R/O. D.NO 4-25, TAKKELLAPADU VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230.
30. SETTIPALLI KONDAIAH, S/O. CHINA NAGURU,AGED ABOUT 57 YEARS, OCC AGRICULTURE,R/O. D.NO 4-25, TAKKELLAPADU VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230
31. SEELAM SIVA KOTI REDDY ALIAS SIVA, S/O. KONAIAH AGED ABOUT 35 YEARS, OCC MILK BUSINESS,R/O. D.NO 2-29-1, LINGAREDDY PALLI VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230.
32. THAMMANENI THIRUPATHAIAH ALIAS THIRUPATHI REDDY, S/O. VENKATESWARLU, AGED ABOUT 40 YEARS, OCC AGRICULTURE, R/O. D.NO 8-8, BOTIKARLAPADU VILLAGE KANIGIRI MANDAL, MARKAPURAM DISTRICT-523108.

33. SANGU KIRSHNA REDDY, S/O. PEDDI REDDY,AGED ABOUT 55 YEARS, OCC AGRICULTURE,R/O. D.NO 2-67, CHINAIRLAPADU VILLAGE, KANIGIRI MANDAL MARKAPURAM DISTRICT-523230.
34. MEDAM SRINIVASULU REDDY ALIAS SRINIVASULU, S/O. BUDDAIAH,AGED ABOUT 52 YEARS, OCC AGRICULTURE,R/O. D.NO 3-2, BOMMIREDDYAPALLI VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230.
35. SINGAM REDDY PRASANTH, S/O. BAREDDY,AGED ABOUT 30 YEARS, OCC SOFTWARE EMPLOYEE,R/O. D.NO 7-30, BOTIKARLAPADU VILLAGE, KANIGIRI MANDAL MARKAPURAM DISTRICT-523108.
36. MODE GOPAL REDDY, S/O. CHINA THIRUPATHI REDDY,AGED ABOUT 40 YEARS, OCC BUSINESS,R/O. D.NO 1-307, VAGUPALLI VILLAGE, KANIGIRI MANDAL, MARKAPURAM DISTRICT-523254
37. CHANDA NARASA REDDY, S/O. KONAIAH,AGED ABOUT 26 YEARS, OCC PRESS REPORTER,R/O. D.NO 2-71-B, LINGAREDDYPALLI VILLAGE,KANIGIRI MANDAL, MARKAPURAM DISTRICT-523230

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT AT NELAPADU AMARAVATI, THROUGH THE STATION HOUSE OFFICER,KANIGIRI PS., PRAKASAM DISTRICT-522239
2. GUDIPUDI SANDEEP, S/O. VENKATESWARLU,AGED 46 YEARS, OCC SUB INSPECTOR OF POLICE,KANIGIRI POLICE STATION, KANIGIRI, MARKAPURAM DISTRICT-523230.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. GAJJALA MALLIKARJUNA REDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9604 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 (Accused Nos.1 to 37), seeking to quash the proceedings in FIR in Crime No.200 of 2026 of Kanigiri Police Station, Markapuram District for the offences punishable under Sections 189(2), 126(2), 132, 121(1), 61(2) r/w 190 of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioners submit that pursuant to the Order dated 27.10.2026, 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 Crime No.200 of 2026 of Kanigiri Police Station, Markapuram 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.200 of 2026 of Kanigiri Police Station, Markapuram 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: 02.11.2026
S D P

[2] 2026 SCC OnLine SC 162

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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9604 of 2026

Date: 02.11.2026

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