APHC010573962026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY, THE 12th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9636 OF 2026

Between:

1. Cheviti alias Chaviti Suneel Kumar, S/o C. Nagendra Rao, aged about 31 years. Occupation Farmer, R/o. D.No.1-56, Nandipalle Village,Mahanandi Mandal, Nandyal District, Andhra Pradesh.
2. Cheviti alias Chaviti Nagendra Rao, S/o.Chinna Erukallana, aged about 50, Occupation Farmer R/o. D.No.1-56, Nandipalle Village, Mahanandi Mandal, Nandyal District, Andhra Pradesh.
3. Cheviti alias Chaviti Ramanamma, W/o. Cheviti Nagendra Raoaged about 48, Occupation House Wife R/o. D.No.1-56, Nandipalle Village, Mahanandi Mandal, Nandyal District, Andhra Pradesh.

...PETITIONER/ACCUSEDs

AND

1. The State of Andhra Pradesh, Through the Inspector of Banaganapalli, PS Nandyal District,Rep by Public Prosecutor, High Court of Andhra Pradesh, Amaravathi.
2. Boya Venkata Haritha, D/o. Boya Venkata Ramana,Aged about 25 years, Occ Housewife, R/o Jolapuram Village,Banaganapalle Mandal, Nandyal 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 call for the records relating to and in connection with FIR.No.195 of 2026 dated 8-10-2026 pending on the file of

Banaganapalli Police Station, Nandyal District, registered under sections 85 r/w 3(5) of BNS, Sec 3 and 4 of Dowry Prohibition Act and quash the same against the Petitioners herein/Accused no.1 to 3

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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 grant Stay of all further proceedings including arrest of the Petitioners herein/Accused No.1, 2 and 3 in connection with vide FIR No. 195 of 2026 dated 8-10-2026 pending on the Banaganapalli Police Station, Nandyal District, and pending disposal of the main criminal petition

Counsel for the Petitioner/accuseds: V NITESH

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 petitioners herein (A1 to A3), seeking to quash the proceedings in FIR in Crime No.195 of 2026 of Banaganapalli Police Station, Nandyal District, for the offences punishable under Sections 85 read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023 and Sections 3 & 4 of the Dowry Prohibition Act, 1961.

2. Learned counsel for the petitioners submits that pursuant to the Order dated 28.10.2026, 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.195 of 2026 of Banaganapalli Police Station, Nandyal 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.195 of 2026 of Banaganapalli Police Station, Nandyal 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: 12.11.2026
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[1] (2014) 8 SCC 273
[2] 2026 SCC OnLine SC 162

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Date: 12.11.2026

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