Date of reserved for orders :
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Date of uploading :

APHC010576982026

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: 9684/2026

Between:

1. CHINTALA CHERUVU SATYANARAYANA REDDY, S/O. VENKATA NARAYANA REDDY,AGED ABOUT 61 YEARS, OCC BUSINESS,R/O. D.NO 5-2C, NEAR SRIKARA HOSPITAL,MYTHRINAGAR, MADEENAGUDA, HYDERABAD,TELANGANA-500049.
2. ADINARAYANA REDDY GANDLAPARTHI, S/O. LATE BALI REDDY, AGED ABOUT 47 YEARS,OCC AGRICULTURE, R/O. D.NO 9-14,VALICHERLA VILLAGE, HM PADU MANDAL,MARKAPURAM DISTRICT-523228.
3. YAKKANTI SRINIVASA REDDY, S/O. KONDA REDDYAGED ABOUT 50 YEARS, OCC AGRICULTURE,R/O. D.NO 1-116C, OPP BSNL TOWER,HM PADU VILLAGE AND MANDAL,MARKAPURAM DISTRICT-523227.
4. THINDI RAJASEKHAR REDDY, S/O. RAMAKRISHNA REDDYAGED ABOUT 33 YEARS, OCC UN-EMPLOYEE,R/O. D.NO 4-25, VALICHERLA VILLAGE, HM PADU MANDAL,MARKAPURAM DISTRICT-523228.
5. GURU PRASAD VESAPOGU, S/O. SALEMUAGED ABOUT 50 YEARS, OCC COOLIE,R/O. D.NO 1-73, SC PALEM, THIMMAREDDYAPLLI VILLAGEHM PADU MANDAL, MARKAPURAM DISTRICT-523228.

...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,HANUMANTHUNIPADU PS., MARKAPURAM DISTRICT-522239.
2. MAKKENA SUBBA LAKSHMI, W/O. MALLIKARJUNA,AGED 38 YEARS, OCC TDP MANDAL MAHILA PRESIDENT,THIMMAREDDYAPLLI VILLAGE, HM PADU MANDAL,MARKAPURAM DISTRICT-523228.

...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: 9684 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 3, 5 and 6), seeking to quash the proceedings in FIR in Crime No.43 of 2026 of Hanumanthunipadu Police Station, Markapuram District for the offences punishable under Sections 115(2), 74, 79, 353, 351(3) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioners submit that pursuant to the Order dated 29.10.2026, 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 No.43 of 2026 of Hanumanthunipadu 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. Central Bureau of Investigation and Another***[2] in FIR in

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

Crime No.43 of 2026 of Hanumanthunipadu 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
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9684 of 2026

Date: 02.11.2026

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