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APHC010578122026

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: 9705/2026

Between:

1. CHITTELA NAGARJUNA, S/O. PEDDA BRAHMAIAH,AGED ABOUT 34 YEARS, OCC AGRICULTURE,R/O. D.NO 5-74, HAJEEPURAM VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523227.
2. 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.
3. KALIKAYI NARAYANA, S/O. PEDDA MALAKONDAIAH,AGED ABOUT 45 YEARS, OCC BUSINESS,R/O. D.NO 1-40A, KONDAREDDYPALLI VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523227.
4. THAPPITA ANITHA ALIAS JUTIKA ANITHA RANI, W/O. RAMAIAH, AGED ABOUT 40 YEARS, OCC COOLIE,R/O. HANUMANTHUNIPADU VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523227.
5. 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.

6. YAKKANTI VARALAKSHMI, W/O. SRINIVASA REDDY,AGED ABOUT 45 YEARS, OCC HOUSE WIFE,R/O. D.NO 1-116C, OPP BSNL TOWER,HM PADU VILLAGE AND MANDAL,MARKAPURAM DISTRICT-523227.
7. VIJAY BHASKAR REDDY CHITTELA, S/O. SUDHAKAR REDDYAGED ABOUT 41 YEARS, OCC BUSINESS,R/O. D.NO 1-77, NADIMPALLE, PEDDAGOLLAPALLI VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523227.
8. THINDI RAJASEKHAR REDDY, S/O. RAMAKRISHNA REDDY AGED ABOUT 33 YEARS, OCC UN-EMPLOYEE,R/O. D.NO 4-25, VALICHERLA VILLAGE, HM PADU MANDAL MARKAPURAM DISTRICT-523228.
9. VESAPOGU JAYA PALU, S/O. NEHEMIYA AGED ABOUT 31 YEARS, OCC COOLIE,R/O. D.NO 2-23, SC PALEM, NALLAGANDIA VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523228
10. VESAPOGU GURU PRASAD, S/O. SALEMU AGED ABOUT 50 YEARS, OCC COOLIE,R/O. D.NO 1-73, SC PALEM, THIMMAREDDYAPLLI VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523228.
11. MARAMREDDY NARAYANA REDDY, S/O. VENKATA SUBBAIAH AGED ABOUT 30 YEARS, OCC BUSINESS,R/O. D.NO 1-107, HANUMANTHUNIPADU VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523227.
12. BUPATI ALIAS BHUTHAPATI SURESH, S/O. DEVAIAH AGED ABOUT 27 YEARS, OCC COOLIE,R/O. D.NO 2-87, VEMULAPADU VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523246.
13. MALLELA PAVAN ALIAS PAVAN KUMAR, S/O. NARASAIAHAGED ABOUT 27 YEARS, OCC COOLIE,R/O. D.NO 2-20, VEMULAPADU VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523246.
14. NALAGATI VENKATA RAMANA, S/O. NARAYANAAGED ABOUT 43 YEARS, OCC COOLIE,R/O. D.NO 6-40, NARAYAPALLI VILLAGE,HM PADU MANDAL,

MARKAPURAM DISTRICT-523228.

15. GANDLAPARTHI ADINARAYANA, 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.
16. GANDLAPARTHI VENKATESWARLU, S/O. LATE BALI REDDY,AGED ABOUT 51 YEARS, OCC AGRICULTURE,R/O. D.NO 9-14, VALICHERLA VILLAGE, HM PADU MANDAL,MARKAPURAM DISTRICT-523228.
17. ALA SHIVA SIVANNARAYANA, S/O. SUBBARAYUDU,AGED ABOUT 39 YEARS, OCC AGRICULTURE,R/O. D.NO 1-75, VEERARAMAPURAMVILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523228.
18. SANIKOMMU MADHU, S/O. VENKATA REDDY,AGED ABOUT 51 YEARS, OCC AGRICULTURE,R/O. D.NO 4-80/1, HANUMANTHAPURAM VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523228.
19. TELLAGADDA VENKATA RAO, S/O. BALAIAH,AGED ABOUT 40 YEARS, OCC AGRICULTURE,R/O. D.NO 5-28, UMMANAPALLI VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523228.
20. VENKATA KASAIAH KETHABOINA, S/O. PEDDA POLAIAH,AGED ABOUT 42 YEARS, OCC AGRICULTURE,R/O. NARAYAPALLI VILLAGE, HM PADU MANDAL,MARKAPURAM DISTRICT-523229
21. BHAVANAM KRISHNA REDDY, S/O. SUBBA REDDY,AGED ABOUT 41 YEARS, OCC AGRICULTURE,R/O. D.NO 7-29, DASARIPALLI VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523227.
22. VENKATESWARA REDDY KONDAPAREDDY, S/O. PEDDA SUBBAIAH AGED ABOUT 40 YEARS, OCC AGRICULTURE,R/O. D.NO 1-50, KONDAREDDY VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523227.
23. JUTIKE SUNIL ALIAS SUNIL KUMAR, S/O. BHASKAR,AGED ABOUT 32 YEARS, OCC COOLIE,R/O. D.NO 2-84, SC COLONY, HANUMANTHUNIPADU

VILLAGE HM PADU MANDAL, MARKAPURAM DISTRICT-523227.

24. MEKALA VENKATESWARLU ALIAS SRINU, S/O. ATCHAIAH,AGED ABOUT 31 YEARS, OCC AGRICULTURE,R/O. D.NO 2-18, HANUMANTHUNIPADU VILLAGE,HM PADU MANDAL, MARKAPURAM DISTRICT-523227.

25. MORA ANJANEYULU, S/O. THIRUPATHAIAH,AGED ABOUT 41 YEARS, OCC AGRICULTURE,R/O. MORAVARIPALLI VILLAGE, HM PADU MANDAL MARKAPURAM DISTRICT-523227

26. PALUKURI CHINNA ALIAS CHINNAIAH, S/O. KONDAIAH, AGED ABOUT 41 YEARS, OCC BUSINESS,R/O. KONDAREDDY VILLAGE, HM PADU MANDAL,MARKAPURAM DISTRICT-523227

27. DIRISHINAM PITCHI REDDY, S/O. ADI REDDY,AGED ABOUT 41 YEARS, OCC BUSINESS,R/O. MUPPALAPADU VILLAGE, HM PADU MANDAL,MARKAPURAM DISTRICT-523227.

28. KATINENI KRISHNAMACHARI, S/O. CHINA CHENNAIAHAGED ABOUT 41 YEARS, OCC AGRICULTURE,R/O. RANGAMPETA VILLAGE, HM PADU MANDAL,MARKAPURAM DISTRICT-523228.

29. PAPABATHUNI BALA SWAMY, S/O. VENKATAIAH,AGED ABOUT 30 YEARS, OCC COOLIE,R/O. D.NO.5-9, NARAYAPALLI VILLAGE,HM 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. SRINIVASULU S, S/O. KOTAIAH,AGED 59 YEARS, OCC EMPLOYEE,RETURNING OFFICER, MPTC HM PADU MANDAL,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: 9705 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 29), seeking to quash the proceedings in FIR in Crime No.42 of 2026 of Hanumanthunipadu Police Station, Markapuram District for the offences punishable under Sections 329(2), 131, 132, 133, 61(2) r/w 190 of the Bharatiya Nyaya Sanhitha, 2023 and Sections 136(2)(a) of Representation of the People Act, 1951.

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.42 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***

[1] (2014) 8 SCC 273

vs. Central Bureau of Investigation and Another[2] in FIR in Crime No.42 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
S D P

[2] 2026 SCC OnLine SC 162

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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9705 of 2026

Date: 02.11.2026

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