APHC010579782026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI (Special Original Jurisdiction) **[3504]**

MONDAY, THE 16th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9735/2026

Between:

1. PARAMASIVA REDDY, S/O. OBULAPURAM MANIKYA REDDY,AGED 68 YEARS, R/O. 1-86A,CHELLIYAMMANKOI, PUDI VILLAGE,TADA, NELLORE DISTRICT.
2. VISWANADHAN ALIAS VISWANATH, S/O OBULAPURAM PARAMASIVAREDDY,AGED 38 YEARS, R/O. CHELLIYAMMAN KOI, PUDI VILLAGE,TADA, NELLORE DISTRICT.
3. BALAKRISHNA, S/O. OBULAPURAM PAPA SWAMY REDDY,AGED 42 YEARS, R/O. NEAR SRI VENKATESWARA SWAMY TEMPLE,BESIDE HIGH WAY, PUDI VILLAGE, KARUR POST,TADA, NELLORE DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. PALAGIRI MALLIKARJUNA REDDY, S/O. PALAGIRI OBAIAH,AGED 59 YRS, R/O. NALLATHIMMAIAHPALLI VILLAGE,NANDALURU MANDAL, YSR KADAPA DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.

...RESPONDENT/COMPLAINANT(S):

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 Courtto quash the proceedings against the Petitioners/accused No. 1, 3 & 4 in Cr.No.l04 of 2026 of Sri City U Police Station, Tirupathi District

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 the certified copy of the certified copy of the FIR in Cr.No.l04 of 2026 of Sri City U Police Station, Tirupathi District

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 to stay all further proceedings against the Petitioners/accused No. 1, 3 & 4 in Cr.No.l04 of 2026 of Sri City U Police Station, Tirupathi District

Counsel for the Petitioner/accused(S):

1. D PURNA CHANDRA REDDY
2. D PURNACHANDRA REDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9735 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 (A1, A3 and A4), seeking to quash the proceedings in FIR in Crime No.104 of 2026 of Sri City UPS Police Station, Tirupathi District for the offences punishable under Section 329(3), 324(4) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioners submits that he has taken notice on respondent No.1 and filed a memo of proof of service to that effect.

3. Despite service of notice, none represented respondent No.1.

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. 104 of 2026 of Sri City UPS Police Station, Tirupathi 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. 104 of 2026 of Sri City UPS Police Station, Tirupathi 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: 16.11.2026
vnb

[2] 2026 SCC OnLine SC 162

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9735 of 2026

Date: 16.11.2026

vnb