APHC010580092026

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: 9749/2026

Between:

1. PAKALA KAMESHWAR, S/O. P.S.N.MURTHY,AGED ABOUT 44 YEARS,FLAT NO 303, YASHSVEE APARTMENT,HILLS COLONY, VANASTALIPURAM, PO VANASTALIPURAM,DIST K.V. RANGAREDDY, TELANGANA - 500070

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P,THROUGH CHILAKALURIPET TOWN P.S, PALNADU DISTRICT, A.P.
2. DASARI SRINIVASARAO, S/O. SAIBABU LATE,SRI VIJAYA DURGA CELL CARE, 22/99/1,RK STREET, CHILAKALURIPET, GUNTUR, ANDHRA PRADESH - 522616.

...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 Courtpleased to QUASH the proceedings in F.I.R. No.272 of 2026 registered under Sections 318(4),351(2) BNS of the BNS, 2023 on the file of Chilakaluripet Town Police Station, Palnadu District and pass

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 pleased to dispense with filing of the certified copy of the F.I.R. No.272 of 2026 dated 25.09.2026, registered on the file of the Chilakaluripet Town Police Station, Palnadu District, in this case and pass

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 pleased to grant interim STAY of all further proceedings pursuant to F.I.R. No.272 of 2026 registered under Sections 318(4), 351(2) BNS of the BNS, 2023 on the file of Chilakaluripet Town Police Station, Palnadu District, including arrest or any coercive steps against the Petitioner pending disposal of the above Criminal Petition.

Counsel for the Petitioner/accused:

1. SATYA SREENIVASA RAO K

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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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 petitioner herein (A1), seeking to quash the proceedings in FIR in Crime No.272 of 2026 of Chilakaluripet Town Police Station, Palnadu District for the offences punishable under Section 318(4), 351(2) of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioner submits that pursuant to the Order dated 30.10.2026, 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 petitioner, after arguing for some time, has confined his argument to the extent of protecting the petitioner 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 petitioner 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. 272 of 2026 of Chilakaluripet Town Police Station, Palnadu 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. 272 of 2026 of Chilakaluripet Town Police Station, Palnadu District.

8. If it is noticed in the course of investigation that the petitioner has 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

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9749 of 2026

Date: 16.11.2026

vnb