APHC010583812026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9827 OF 2026

Between:

1. D Bhaskar Raju, S/o B.Govinda Raju, Aged about 65 years, OccPoliticianR/o.D.No.1/10, S.Yarrapalli, Madanagopalapuram,Rajampeta Mandal, YSR Kadapa District - 516126

...Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court Buildings, Amaravati.522237

2. Devendar Raju, S/o Chilluri Naga Raju, Aged about 46 years, Occ. Unknown to petitioner, R/0.D.N0.4-67-C2, Usman Nagar, Rajampeta TownY.S.R.Kadapa District.516115

...Respondents

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 pleased to call for the records in Cr.No. 188 of 2026 on the file of Rajampeta Urban Police Station, YSR Kadapa District and quash the same 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 to dispense with filing the certified copy of FIR in

Cr No. 188 of 2026 on the file of Rajampeta Urban Police Station, YSR Kadapa District, pending disposal of the above Criminal Petition 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 to grant stay of all further proceedings in Cr. No. 188 of 2026 on the file of Rajampeta Urban Police Station, YSR Kadapa District, pending disposal of the above Criminal Petition and pass

Counsel for the Petitioner: V R REDDY KOVVURI

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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ORDER:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein (Accused), seeking to quash the proceedings in FIR in Crime No.188 of 2026 of Rajampet UPS Police Station, YSR Kadapa District, for the offences punishable under Sections 191(2), 191(3), 118(1), 109(1) read with 190 of the Bharatiya Nyaya Sanhitha, 2023.

2. Heard Sri V.R. Reddy Kovvuri, learned counsel for the petitioner and learned Public Prosecutor appearing for the Respondent No.1-State.

3. Today, when the matter is taken up for hearing, learned Public Prosecutor fairly submits that in view of the elections, more particularly, as the petitioner (A12) is a contesting candidate in the ZPTC/MPTC elections, 2026, concerned Police will not arrest the petitioner (A12) in Crime No.188 of 2026, till completion of the ZPTC Elections and counting i.e., 4th November, 2026 and 8th November, 2026, respectively. Learned Public Prosecutor further prays to impose a condition that Petitioner (A12) shall cooperate with the investigation and shall not indulge in any offence.

4. At that juncture, learned counsel for the petitioner seeks to dispose of the instant petition, giving liberty to the petitioner to exhaust his remedies, as per the law.

5. Though the right to vote or contest an Election is not enumerated in the Constitution as a fundamental right, it is recognised as a statutory right subject to applicable Rules and the same was enunciated in dictums of Apex Court in ***N.P. Ponnuswami vs. Returning Officer, Namakkal Constituency***[1], **Jyoti *Basu v. Debi Ghosal***[2]***, Mohan Lal Tripathi vs. District Magistrate, Rae Bareilly***[3] and ***Supreme Court Bar Association v. B.D.Kaushik***[4]***.***

6. Recently, in ***Vishwanath Pratap Singh v. Election Commission of India & Anr*** [5] and in ***Ram Chandra Choudary & Ors v. Roop Nagar Dugdh Utpadak Shakari Samiti Limited and Others***[6], Apex Court, in its unequivocal words, held that the right to contest an election is neither a fundamental right nor a common-law right, but a statutory right subject to the qualifications and restrictions prescribed by the law.

7. Therefore, the right to vote and contest elections is an important aspect of democratic governance, enabling eligible citizens to participate in the electoral process.

8. Having regard to the inherent powers conferred upon this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which are intended to prevent abuse of the process of any Court, and secure the ends of justice, recording the submission made by learned Public Prosecutor that the police will not arrest the petitioner No. (A12) in Crime No.188 of 2026 of

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[1] 1952 (1) SCC 94
[2] (1982) 1 SCC 691
[3] (1992) 4 SCC 80
[4] (2011) 13 SCC 774
[5] 2022 Live Law (SC) 758
[6] 2026 Live Law (SC) 361

Rajampeta Urban Police Station, YSR Kadapa District, till completion of the ZPTC Election process i.e., till 08.11.2026, the Criminal Petition is disposed of by granting liberty to the petitioner to exhaust his available remedies, as per the law.

9. It is made clear that petitioner herein (A12) shall cooperate with the investigation and shall not be involved in any offence.

10. Learned Public Prosecutor shall forthwith communicate the gist of this Order to the concerned, for effective compliance.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 03.11.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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Date: 03.11.2026

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