APHC010588402026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9902 OF 2026

Between:

1. Mora Sankar Reddy, S/o. Venkata Ramaiah,Aged about 52 years, Occ Ex-Sarpanch,R/o. Tuvvapadu Village, Konakanamitia Mandal Markpauram District, AP-523245.

2. Pathakota Venkata Reddy, S/o. Venkata Narayana, aged about 36 years,Occ Ex-MPTC, Veligandia Village,Konakanamitia Mandal, Markpauram District,Andhra Pradesh-523245.

3. Udumula Rama Narayana Reddy, S/o. Venkata Reddy, Aged about 64 years,Occ Advocate, Chinnarikatia Village,Konakanamitia Mandal, Markpauram District,Andhra Pradesh-523245.

4. Akkidasari Yedukondalu, S/o. Musalaiah,Aged about 47 years, Occ Pathapadu VillageKonakanamitia Mandal, Markpauram District,Andhra Pradesh-523245.

5. Mora Rajasekhar Reddy, S/o. Venkata Reddyaged about 33 years, Occ Business,R/o. Tuvvapadu Village, Konakanamitia Mandal,Markpauram District, AP-523245.

6. Kama Nagarjuna Reddy, S/o. Narasimha,aged about 50, years, Occ Agriculturist,R/o. Pedarikatia Village, Konakanamitia Mandal,Markpauram District, AP-523245.

7. Gadi Koneti Reddy, S/o. Pedda Venkata Subbaiahaged about 34 years, Occ Agriculturist,R/o. Naidupeta Village, Konakanamitla Mandal,MarkpauramDistrict, AP-523245.

8. Mule Venkateswara Reddy, S/o. Chinna Narasayyaaged about 49 years, Occ agriculturist,R/o. Pedarikatia Village, Konakanamitla Mandal,Markpauram District, AP-523245.

9. Mule Siva Reddy, S/o. Rendava Lakshmi Reddy,Aged about 45 years, Occ Present MPTC CandidateR/o. Pedarikatia Village, Konakanamitla Mandal,Markpauram District, AP-523245.

10. Guntu Subbaratnamma, W/o. Malyadri,aged about 42 years, Occ House Wife,R/o. Pedarikatia Village, Konakanamitla Mandal,Markpauram District, AP-523245.

11. Timmareddy Durga, W/o. Nagarjuna Reddy,aged about 36 years, Occ House Wife,R/o. Gontuvaripalli Village, Konakanamitla Mandal,Markpauram District, AP-523245

12. Guntu Dhanalakshmi, W/o. Sudhakar Reddy,aged about 35 years, Occ House Wife,R/o. Gontuvaripalli Village, Konakanamitla Mandal,Markpauram District, AP-523245.

13. Gontu Koteswaramma alias Koteswari,, W/o. Sudhakar,aged about 25 years, Occ House Wife,R/o. Gontuvaripalli Village, Konakanamitla Mandal,Markpauram District, AP-523245.

14. Mule Lakshmi Narasimha Reddy, S/o. Narapa Reddy,Aged about 21 years, Occ Student,R/o. Pedarikatia Village, Konakanamitla Mandal,Markpauram District, AP-523245.

...PETITIONER/ACCUSEDs

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court at Nelapadu, Amaravati, through the Station House Officer, Konakanamitia P.S., Markapuram District-522239.

2. N Venkateswarlu, S/o. Venkateswarlu, Aged about 55 years, Occ Constable, R/o. HC-1973, Konakanamitia PS, Konakanamitia Mandal, Markapuram District-523241

...RESPONDENT/COMPLAINANTs

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 may be pleased to QUASH the proceedings against the Petitioners/Accused Nos. 1 to 14 in Crime No. 81 of 2026, dated 22.10.2026, on the file of Konakanamitia Police Station, Markapuram District, for the offences punishable under Sections 132, 324(3), 126(2) and 189(5) read with Section 190 of the Bharatiya Nyaya Sanhita, 2023, and pass such

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 may be pleased to grant STAY of all further proceedings in Crime No. 81 of 2026, dated 22.10.2026, on the file of Konakanamitia Police Station, Markapuram District, including the arrest of the Petitioners/Accused Nos. 1 to 14, pending disposal of the Criminal Petition for quashing, and pass such

Counsel for the Petitioner/accused: GAJJALA MALLIKARJUNA REDDY

Counsel for the Respondent/complainants: 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 petitioners herein (A1 to A14), seeking to quash the proceedings in FIR in Crime No.81 of 2026 of Konakanamitla Police Station, Markapuram District, for the offences punishable under Section 132, 324(3), 126(2), 189(5) read with 190 of the Bharatiya Nyaya Sanhitha, 2023.

2. Learned counsel for the petitioners submits that pursuant to the Order dated 04.11.2026, 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 Crime No.81 of 2026 of Konakanamitla 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 Crime No.81 of 2026 of Konakanamitla 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: 10.11.2026
PSA

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

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