APHC010589552026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION No: 9925 OF 2026

Between:

1. Bogathi Vijay Pratap Reddy, S/o. Bogathi Narayana Reddy,aged about 54 years, R/o. 1-54-C, OC colony, Vennapusapalli,Ananthapuram District, A.P., - 515465

2. Bogathi Nageswar Reddy, S/o. Bogathi Narayana Reddy,aged about 51 years, R/o. 15/1205-A-2, Sanjeev nagar,2nd road, Tadipatri, Ananthapuram District-515411

3. Kasireddy Harischandra Reddy, S/o. K. Kesava Reedy Lateaged about 72 years, R/o. C/43, Vennapusapalli,Ananthapuram District, A.P., - 515465

4. Alavalapati Rameswar Reddy, S/o. A. Obula Reddy,aged about 46 years, R/o. 12-1, OC colony, Vennapusapalli Ananthapuram District, A.P., - 515465

5. Bakkachennaiah gari Chennakeshava Reddy, S/o. B. SuryanarayanaReddy, aged about 50 years, R/o. 1-66, OC colony, VennapusapalliAnanthapuram District, A.P., - 515465

6. B Pratap Reddy, S/o. Bodaiah gari Pullaiah Reddy,aged about 58 years, R/o. 1/2-A, Kalluru, Yellanuru MandalAnantapur District

7. A Peddi Reddy, S/o. A. Chenna Reddy,aged about 45 years, R/o. OC colony, Vennapusapalli,Ananthapuram District, A.P., - 515465

8. Dasari Shiva, S/o. Dasari Obulesu aged about 36 years,R/o 1-112 Yellanur, Talari street, Yellanur, Anantapur, 515465

9. Dasari Maruti Kumar, S/o. Dasari Ramana,aged about 32 years, R/o. 1/113, Yellanur, Talari Street, Yellanur, Anantapur, 515465

10. Dasari Ramana, S/o. D. Ramana,aged about 30 years, R/o. 1/113-B, Yellanur, Talari Street, Yellanur, Anantapur, 515465

11. Annam Tirupal Reddy, S/o. A. Chinnapulla Reddy,aged about 55 years, R/o. 1-81-2, Pathapalli village, Yellanur Mandal, Anantapur, 515465

...PETITIONER/ACCUSEDs

AND

1. The State of Andhra Pradesh, Rep. by its Station House Officer, Yellanuru Police Station, Ananthapuramu District, through Public Prosecutor, High Court of Andhra Pradesh at Amaravati-522239.

2. Somala Janardhan, S/o. Narasimhulu late, Aged 52 years, Occ Farmer,S. Kothapalli village, Yellanuru Mandal, Ananthapuram District

...RESPONDENT/COMPLAINANT

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 in quash the FIR No.87/2026 dated 01.11.2026 on the file of the Yellanur Police Station, Anantapuram District, registered for the offences under Sections 191(2), 191(3), 109 (1), 118 (1) r/w 190 BNS 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 dispense with the filing of the certified copy of the proceedings in in FIR No.87/2026 dated 01.11.2026 on the file of the Yellanur Police Station, Anantapuram District, registered for the offences under Sections 191(2), 191(3), 109 (1), 118 (1) r/w 190 BNS for the time being, in the interest of justice

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 may be pleased to stay all further proceedings against the Petitioners in in FIR No.87/2026 dated 01.11.2026 on the file of the Yellanur Police Station, Anantapuram District, registered for the offences under Sections 191(2), 191(3), 109 (1), 118 (1) r/w 190 BNS pending disposal of the above Criminal Petition and pass such

Counsel for the Petitioner/accused: N RANGA REDDY

Counsel for the Respondent/complainants: 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 petitioners herein (A1 to A6, A14 & A17 to A20), seeking to quash the proceedings in FIR in Crime No.87 of 2026 of Yellanur Police Station, Ananthapuramu District, for the offences punishable under Sections 191(2), 191(3), 109(1), 118(1), read with 190 of the Bharatiya Nyaya Sanhitha, 2023.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor, appearing for the Respondent No.1-State.

3. Learned counsel for the petitioners submits that petitioner Nos.1 & 9 (A1 & A18) are contesting candidates in the ensuing ZPTC/MPTC Elections-2026 and, as such, the interest of petitioner Nos.1 & 9 (A1 & A18) may be protected to the limited extent i.e., till completion of the election process, by taking note of the fact that elections hold paramount importance in the electoral process and the constitutional principles underpinning free and fair elections. He fairly submits that he has not pressed the instant criminal petition insofar as petitioner Nos.2 to 8 and petitioner Nos.10 & 11.

4. Learned Assistant Public Prosecutor fairly submits that in view of the elections, the concerned Police will not arrest petitioner Nos.1 & 9 (A1 & A18) in Crime No.87 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 the petitioners shall cooperate with the investigation and shall not indulge in any offence.

5. Though the right to vote or contest an Election is not enumerated in our India 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

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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

intended to prevent abuse of the process of any Court, and secure the ends of justice, recording the submission made by learned Public Prosecutor, High Court of Andhra Pradesh that the police will not arrest the petitioner Nos.1 & 9 (A1 & A18) in Crime No.87 of 2026 of Yellanur Police Station, Ananthapuramu District, till completion of the ZPTC Election process i.e., till 08.11.2026, instant Criminal Petition is disposed of by granting liberty to the petitioners to exhaust their available remedies, as per the law.

9. Petitioners 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: 05.11.2026
Note: Issue CC by 06.11.2026
B/o.KRK

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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Date: 05.11.2026

Note: Issue CC by 06.11.2026
B/o.KRK